1988 ANNUAL REPORT

PART 1: Judicial Council Report to the Governor and the Legislature

JUDICIAL COUNCIL OF CALIFORNIA

1988 • ANNUAL • REPORT

A Summary of 1987 Activities

JUDICIAL • COUNCIL OF • CALIFORNIA

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LETTER OF TRANSMITTAL

TO THE HONORABLE GEORGE DEUKMEJIAN,
Governor of the State of California,
and Members of the Legislature:

The 1988 Judicial Council Report is presented pursuant to the provisions of section 6 of article VI of the California Constitution.

January 1, 1988

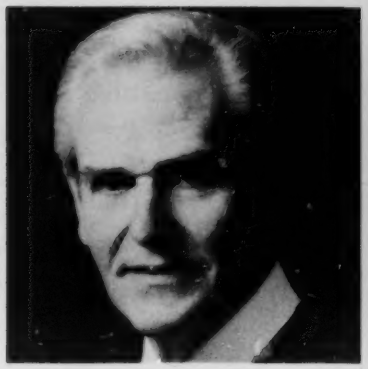
Hon. Malcolm M. Lucas,
Chairperson

Hon. David N. Eagleson
Hon. Mildred L. Lillie
Hon. Robert K. Puglia
Hon. Donald B. King
Hon. Jack E. Goertzen
Hon. Harmon G. Scoville
Hon. Fern M. Smith
Hon. William D. Stein
Hon. Ricardo A. Torres
Hon. Lourdes Gillespie Baird

Hon. Robert D. Mackey
Hon. Cerena Wong
Hon. Robert A. Barclay
Hon. Jane A. York
Hon. Bill Lockyer
Hon. Elihu M. Harris
Mr. David B. Baum
Mr. Joseph H. Cummins
Mr. David M. Heilbron
Mr. Kenneth W. Larson

Mr. William E. Davis,
Secretary

MESSAGE FROM THE CHIEF JUSTICE



The past year has been a time of both challenge and change in the courts of California. The Judicial Council, the agency charged with the administration of the state's judicial system, took a leadership role in meeting the needs of the courts by setting priorities for its actions during 1987 and 1988. In developing these priorities, the council considered several general principles:

- ☐ reduce delay in court proceedings;
- ☐ improve funding of state trial courts;
- ☐ encourage uniformity of practice and simplify procedures to reduce the cost of litigation;
- ☐ improve public access to and understanding of court operations; and
- ☐ ensure fair and equal treatment for those participating in the judicial process.

The Judicial Council's top priority is trial court delay reduction. The council has taken an active role in implementing key legislation in this area, the Trial Court Delay Reduction Act of 1986. Underlying this legislation is the philosophy that courts must take a strong role in managing cases to reduce delay.

The Judicial Council adopted time standards for the processing of civil and criminal cases in superior courts effective July 1, 1987, and held regional workshops throughout the state to assist all courts in complying with the provisions of the act.

I am pleased to report that in addition to the nine pilot delay reduction programs required by the act, several superior courts have voluntarily established their own programs to eliminate case processing delays. The Courts of Appeal and municipal courts are also to be commended for joining the delay reduction effort.

Another Judicial Council priority, state funding of trial courts, was the focus of the State Trial Court Funding Act. This legislation was designed to shift financial responsibility for funding courts from the counties to the state, by providing California counties with block grants for court operations starting July 1, 1988. The Judicial Council has long been a supporter of state funding to assure equal access to justice across the state.

The act also establishes an annual Trial Court Improvement Fund, to be administered through a grant program of the Judicial Council effective January 1, 1989. More than 200 funding proposals have already been submitted by California courts. The Judicial Council approved priorities for the fund in November of 1987, as well as the appointment of an advisory committee to recommend goals and procedures for the fund's administration.

Effective participation in the state funding program will require the cooperation of the courts at every level as well as cooperation among the courts of each participating county. The council has been working with county fiscal agencies and court administrators to assist them with their funding decisions.

Trial court efficiency also means that rules for court administration, practice and procedure, the Standards of Judicial Administration, and official court forms are up to date and conform to changing law and policy. The changes enacted by the Judicial Council are reflected in this report.

In addition, two Judicial Council advisory committees have made significant contributions to the administration of justice: the Advisory Committee on Gender Bias in the Courts and the Advisory Committee on Judicial Performance Procedures. The reports of both committees appear in this report.

Finally, I would like to congratulate the state's judges for their cooperation and interest in meeting the challenges facing the courts today. The California court system, the largest in the nation, is facing an enormous influx of cases and our judges are responding to the increased litigation with dedication and intelligence.

It is our responsibility to adapt to the demanding workload of today by developing long-range plans for the judiciary that will help eliminate delays in litigation and improve public access to the courts. We will then be able to preserve California's tradition of providing quality justice to the citizens of our state.

Sincerely,

Malcolm M. Lucas

Chief Justice of California
Chairperson of the Judicial Council
of California

JUDICIAL COUNCIL OF CALIFORNIA

The Judicial Council of California is required by the Constitution to survey the condition of business in state courts and to report and make appropriate recommendations to the Governor and the Legislature. (Cal. Const., art VI, § 6.)

The 1988 Judicial Council Annual Report, which contains summaries of the activities of the Judicial Council and its staff during 1987, is comprised of two sections.

Part 1 is the council's report to the 1987-88 Regular Session of the Legislature.

Continuing a practice that started in the Nineteenth Biennial Report, Part 2 is a summary of activities in the Administrative Office of the Courts, the staff agency serving the council. It also includes detailed statistical data on the volume of business in all the courts for the fiscal year ending June 30, 1987.

The 1988 Annual Report was produced under the general editorial supervision of Ms. Lynn Holton, Public Information Officer, Administrative Office of the Courts.

Constitutional and Statutory Provisions for the Judicial Council

The Judicial Council was originally provided for in section 1(a) of article VI of the State Constitution adopted November 2, 1926. This section was amended November 8, 1960. On November 8, 1966, a revised article VI was adopted and the provisions of former section 1(a) were amended and renumbered as section 6, and further revised November 5, 1974, to read:

Sec. 6. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the Judicial Council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Other constitutional provisions dealing with the Judicial Council or the Chief Justice are found in article VI, sections 15 and 18(f). There are also a number of statutory provisions referring to the Judicial Council.

JUDICIAL COUNCIL MEMBERS [1]

HON. MALCOLM M. LUCAS
Chief Justice of California
Chairperson of the Judicial Council

HON. DAVID N. EAGLESON
Associate Justice, Supreme Court

HON. MILDRED L. LILLIE
Presiding Justice, Court of Appeal
Second Appellate District,
Division Seven

HON. ROBERT K. PUGLIA
Presiding Justice, Court of Appeal
Third Appellate District

HON. DONALD B. KING
Associate Justice, Court of Appeal
First Appellate District, Division Five

HON. JACK E. GOERTZEN
Presiding Judge, Superior Court,
Los Angeles County

HON. HARMON G. SCOVILLE
Presiding Judge, Superior Court,
Orange County

HON. FERN M. SMITH[2]
Judge, Superior Court,
City and County of San Francisco

HON. WILLIAM D. STEIN
Judge, Superior Court,
City and County of San Francisco

HON. RICARDO A. TORRES
Judge, Superior Court,
Los Angeles County

HON. LOURDES GILLESPIE BAIRD
Judge, Municipal Court,
East Los Angeles Municipal
Court District

HON. ROBERT D. MACKEY
Judge, Municipal Court,
Compton Municipal Court District

HON. CERENA WONG
Judge, Municipal Court,
Sonoma County Municipal
Court District

HON. ROBERT A. BARCLAY
Judge, Justice Court,
Modoc Justice Court District

HON. JANE A. YORK
Judge, Justice Court,
Sanger Justice Court District

HON. BILL LOCKYER[3]
Senator, 10th District
Alameda

HON. ELIHU M. HARRIS[4]
Assemblyman, 13th District
Oakland

MR. DAVID B. BAUM[5]
Attorney at Law
San Francisco

MR. JOSEPH H. CUMMINS[5]
Attorney at Law
Los Angeles

MR. DAVID M. HEILBRON[6]
Attorney at Law
San Francisco

MR. KENNETH W. LARSON[6]
Attorney at Law
San Pablo

MR. WILLIAM E. DAVIS
Administrative Director of the Courts
and Secretary of the Judicial Council

1 Except as otherwise indicated, members were appointed by the Chief Justice on March 19, 1987, for two-year terms expiring March 18, 1989.

2 Appointed by the Chief Justice on July 2, 1987, vice Hon. Patricia D. Benke.

3 Appointed by the Senate Rules Committee pursuant to article VI, section 6 of the Constitution and Senate Rule 13 of the 1985-86 Regular Session of the Legislature.

4 Appointed by the Speaker of the Assembly pursuant to article VI, section 6 of the Constitution and subdivision (L) of Assembly Rule 26 of the 1985-86 Regular Session of the Legislature.

5 Appointed by the State Bar Board of Governors for a two-year term expiring January 31, 1988.

6 Appointed by the State Bar Board of Governors for a two-year term expiring January 31, 1989.

JUDICIAL COUNCIL COMMITTEES

Executive Committee [1]
- Hon. Malcolm M. Lucas, Chairperson
- Hon. David N. Eagleson, Vice-Chairperson
- Hon. Mildred L. Lillie
- Hon. Jack E. Goertzen
- Hon. Harmon G. Scoville
- Hon. Lourdes Gillespie Baird
- Mr. David M. Heilbron
- Hon. V. Gene McDonald [2]

Appellate Court Committee [1]
- Hon. David N. Eagleson, Chairperson
- Hon. Donald B. King
- Hon. Mildred L. Lillie
- Hon. Robert K. Puglia
- Hon. Jack E. Goertzen
- Hon. William D. Stein
- Hon. Bill Lockyer
- Mr. David B. Baum
- Mr. David M. Heilbron
- Mr. Kenneth W. Larson
- Mr. Bernard E. Witkin [3]
- Mr. Kevin A. Swanson [3]

Court Management Committee [1]
- Hon. Harmon G. Scoville, Chairperson
- Hon. Mildred L. Lillie
- Hon. Robert K. Puglia
- Hon. William D. Stein
- Hon. Robert D. Mackey
- Hon. Cerena Wong
- Hon. Jane A. York
- Hon. Elihu M. Harris
- Mr. David B. Baum
- Mr. David M. Heilbron
- Mr. Alan Carlson[4]

Superior Court Committee [1]
- Hon. Jack E. Goertzen, Chairperson
- Hon. Donald B. King
- Hon. Fern M. Smith
- Hon. Ricardo A. Torres
- Hon. Lourdes Gillespie Baird
- Hon. Robert A. Barclay
- Hon. Bill Lockyer
- Mr. Joseph H. Cummins
- Mr. Kenneth W. Larson
- Mr. Howard Hanson [3]

Municipal and Justice Court Committee [1]
- Hon. Lourdes Gillespie Baird, Chairperson
- Hon. Fern M. Smith
- Hon. Ricardo A. Torres
- Hon. Robert D. Mackey
- Hon. Cerena Wong
- Hon. Robert A. Barclay
- Hon. Jane A. York
- Hon. Elihu M. Harris
- Mr. Joseph H. Cummins
- Ms. Sheila Gonzales [3]

Advisory Committee on Gender Bias in the Courts
- Hon. David M. Rothman, Co-chair
- Hon. Diane Watson, Co-chair
- Hon. Judith C. Chirlin, Vice-chair
- Hon. Lisa Hill Fenning
- Hon. Elwood Lui
- Hon. Sheila Prell Sonenshine
- Hon. Norman L. Epstein
- Hon. Judith McConnell
- Hon. Linda Hodge McLaughlin
- Hon. Sheila F. Pokras
- Hon. Sara K. Radin
- Hon. Fern M. Smith
- Hon. Meredith C. Taylor
- Hon. Jack Tenner
- Hon. Kathryn Doi Todd
- Hon. Judith Donna Ford
- Hon. Alice A. Lytle
- Hon. Frances Munoz
- Hon. Brian L. Rix
- Hon. Elihu M. Harris
- Ms. Linda Broder
- Mr. James J. Brosnahan
- Mr. Kenneth Mark Burr
- Ms. Juana C. Conrad
- Ms. Tamara C. Dahn
- Mr. Rene Davidson
- Prof. Jack H. Friedenthal
- Ms. Marian McClure Johnston
- Prof. Sheila James Kuehl
- Ms. Andrea Sheridan Ordin
- Mr. Herbert M. Rosenthal
- Ms. Marjorie Swartz
- Ms. Patricia Ann Shiu
- Mr. Frank Zolin
- Dr. Norma J. Wikler, Advisor

JUDICIAL COUNCIL COMMITTEES
(continued)

Advisory Committee on Legal Forms [5]
Hon. William H. Lally, Chairperson
Hon. Madeleine Flier
Hon. Isabella H. Grant
Hon. Linda Hodge McLaughlin
Hon. Elizabeth N. Zumwalt
Mr. William Acker
Mr. Richard Bedal
Mr. Paul F. Cohen
Mr. G. Brent Gammon
Ms. Marcia Haber Kamine
Mr. David S. Krueger
Mr. Owen Lee Kwong
Mr. Lee Lawless
Ms. Alexandra Leichter
Ms. Deanna S. Myhre
Mr. Frank Roesch
Mr. Hal F. Seibert
Mr. Joseph White

Advisory Committee for a Court of Appeal Procedures Manual
Ms. Eva Goodwin, Chairperson
Mr. James Christiansen
Ms. Janice L. Feinstein
Mr. Jeff Garland
Mr. Jeff Giarde
Mr. Richard Mansfield
Ms. Susan Miner
Ms. Jean Perloff
Ms. Barbara Perry
Ms. Margot Plant
Ms. Maureen Robertson
Mr. Alan Strong
Ms. Marcia Teasdale
Ms. Dolores Watson
Mr. Edward M. Wright

Advisory Committee on Judicial Performance Procedures
Hon. Richard Schauer, Chairperson
Hon. Susan P. Finlay
Hon. William P. Hogoboom
Hon. Thomas Kongsgaard
Hon. Elwood Lui
Hon. David Rothman
Hon. Harmon Scoville
Mr. Dale Hanst

Advisory Committee on the Eight Member Civil Jury Experiment
Hon. George W. Trammel
Hon. Richard A. Paez
Hon. Gibson W. Lee
Hon. Elvira Mitchell
Hon. Phillip J. Argento
Hon. Thomas A. Peterson
Mr. Anthony C. Filosa
Ms. Barbara Cristino
Mr. Allan B. Lott
Mr. Darold Shirwo
Mr. Earl S. Bradley
Mr. James E. Gardner
Mr. Edward H. Kritzman
Ms. Diane Gray

Governing Committee of the Center for Judicial Education and Research [6]
Hon. Ira A. Brown, Chairperson [7]
Hon. Marie Bertillion Collins, Vice-Chairperson [8]
Hon. Florence Bernstein [8]
Hon. LaDoris Hazzard Cordell [8]
Hon. Norman L. Epstein [8]
Hon. Arthur Gilbert [7]
Hon. Thomas M. Jenkins [7]
Hon. Robert I. Weil [7]
Mr. B. E. Witkin [3]

Advisory Committee on Family Law
Hon. William P. Hogoboom, Chairperson
Hon. Rodney Davis
Hon. Melinda A. Johnson
Hon. Anthony C. Joseph
Hon. Billy G. Mills
Hon. Rex H. Sater
Hon. Beverly B. Savitt
Hon. James W. Stewart
Hon. John C. Woolley
Mr. Christopher F. Emley
Mr. Robert Schnider
Ms. Suzanne Harris
Mr. Hugh McIsaac
Mr. George O. Nielsen
Mr. Lee Palmer
Ms. Diana Richmond

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1 Unless otherwise noted, members of this committee are members of the Judicial Council.

2 Advisory member appointed by the Chief Justice on September 1, 1987, vice Hon. Elwood Lui.

3 Advisory member.

4 Advisory member appointed by the Chief Justice on September 1, 1987, vice Mr. William N. Pierce.

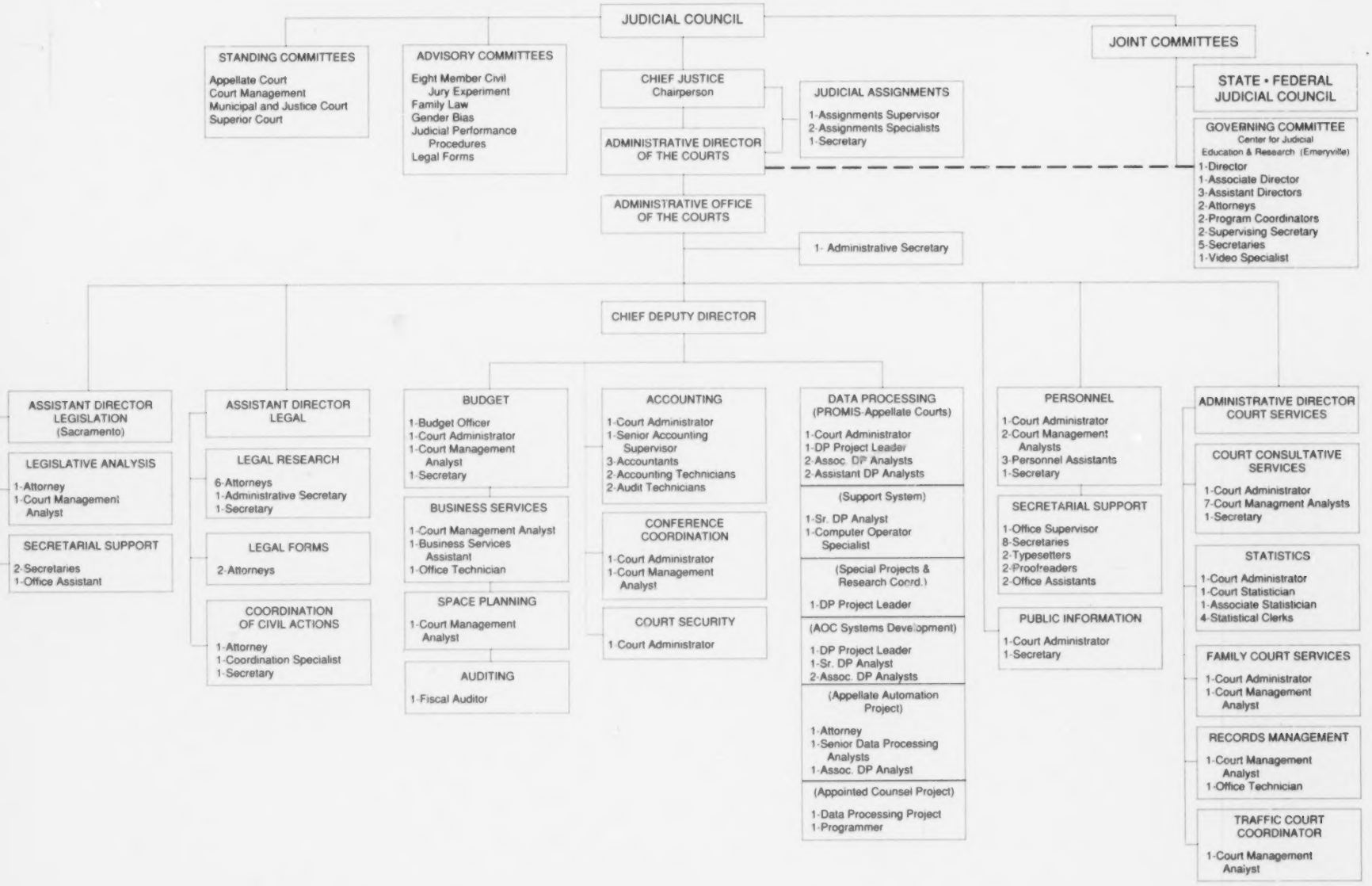
5 One-half of the members of this committee are nominated by the State Bar for appointment by the Chairperson of the Judicial Council.

6 An advisory committee appointed by the Chairperson of the Judicial Council with equal representation from the Judicial Council and the California Judges Association.

7 California Judges Association representative.

8 Judicial Council representative.

1987 JUDICIAL COUNCIL ORGANIZATION CHART



CHAPTER 1

JUDICIAL COUNCIL PRIORITIES

In 1987, the Judicial Council of California reasserted its leadership role as a policy-making agency for the state's court system.

After careful analyses of current problems confronting the courts and the council's available resources, each of its standing committees adopted a set of priorities designed to guide the council's actions for the following two years. (See chapters 2 to 5.)

According to P. Stolz and K. Gunn in *The California Judicial Council: The Beginnings of an Institutional History* (1980) 11 Pacific L.J. 877:

> The California Judicial Council was created by constitutional amendment in 1926 as part of a nationwide judicial council movement that, for the most part, has been a failure. While many judicial councils and conferences were established within a short period of time, only a few have remained vital instruments of judicial administration.

A review of the available literature on judicial councils in many jurisdictions suggests that a key characteristic of the rare successful council is the willingness to develop and periodically renew priorities for action. A council that does not continually reassert its leadership role as a policy-making body for the judiciary will inevitably find its resources being diverted by the need to react to "court improvement" proposals developed by the Legislature and others.[1]

1 A classical study in this area is R. Wheeler and Jackson, *Judicial Councils & Policy Planning: Continuous Study and Discontinuous Institutions* (1976) 2 Justice System Journal 121.

A 1981 study of federal appellate chief judges concerning administration of their courts and the circuit judicial councils noted:

> In several interviews, chief judges said that without monitoring, [council] agendas could become unwieldy, burdened with relatively unimportant items not requiring council consideration. At least one chief judge has decided to be more than a funnel for items suggested by judges that could 'just as easily be discussed in the hall.' In another circuit, a new chief judge deliberately shortened what had been a massive agenda—a legacy of a prior chief judge who had sought to illuminate every detail possible for the council—to a much briefer document.
>
> If councils become less passive concerning their management responsibilities, such changes may appear in more circuits and thus help to focus council activity on the matters most deserving of their attention.[2]

The organization and purpose of the federal system and its judicial councils may differ in some respects from the California court system and its Judicial Council, but the need to set priorities for the use of the council's limited resources was clear.

In the past few years, significant changes have occurred in the complex relationship between the legislative and judicial branches of the state government. The membership of the Legislature has changed from a body largely made up of lawyers to one in which lawyers are a relatively small minority.

Each legislative session brings a flood of new bills designed to solve perceived problems in the courts. More and more, the Legislature seems to regard the Judicial Council as just another state agency whose primary role is to carry out its directions. Consequently, much of the Judicial Council's limited time and resources were used in implementing legislative mandates; little time had been made available for the planning and policy-making functions for which the council was originally created. A review of recent council agendas seemed to indicate that the council was in danger of becoming almost entirely reactive.

One way the California Judicial Council differs from most other judicial councils is that it has rule-making power as well as the traditional "powers" of a judicial council: studying and making recommendations concerning court administration, practice and procedure.

The rule-making power enables the council to carry out its policy decisions, but it also raises a risk that the council will get bogged down in handling housekeeping changes and not have enough time for overall policy deliberations.

The need to avoid becoming enmeshed in minutiae has been noted in the federal system.

> Although any of these duties is potentially controversial, the majority are routine. In all but a few circuits, the bulk of routine business is done by mail, sometimes on an 'absent objection' or 'If I don't hear from you in ten days' basis, and this business is normally validated at the next judicial council meeting. One circuit that does little business by mail has a 'noncontroversial' and 'potentially controversial' list of council agenda items.[3]

California is facing dramatic social, cultural and economic changes and will continue to grow rapidly. The judicial branch has a clear responsibility to ensure that the courts are able to meet the challenge of change and to continue to serve the needs of the state while ensuring that the rights of litigants are protected.

General Principles Guide Priorities

To effectively assert its leadership role, the Judicial Council developed a two-year plan for its activities, which required focusing on the major issues confronting the court system and then setting priorities for addressing them.

The council's first step was to consider general principles for the administration of the judicial system to aid the council in setting specific priorities.

The five general principles that were discussed were to: reduce delay in judicial proceedings at all levels; improve funding for the courts; encourage uniformity of practice and simplify procedures in order to reduce the cost of litigation; improve public access to and understanding of court operations; and ensure fair and equal treatment for all participants in the judicial process.

Using this approach, each of the council's standing committees developed a list of priorities to address during 1987 and 1988.

The following four chapters detail the priorities established by each committee.

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2 R. Wheeler and C. Niham, Administering the Federal Judicial Circuits: A Survey of Chief Judges' Approches and Procedure (1982) p. 16.

3 Wheeler and Niham, *op. cit.* at p. 15.

CHAPTER 2

REPORT OF THE

COURT MANAGEMENT COMMITTEE

In 1987, the Court Management Committee established four key priorities and made a number of recommendations regarding delay reduction and other major issues, which were approved by the Judicial Council of California. (See chapters 3, 4 and 5 for reports on other standing committees.)

The committee's priorities, as approved by the Judicial Council in May 1987, are:

☐ *Seek to reduce delay in the trial courts*

The committee will review the operation of the time standards adopted by the Judicial Council pursuant to the Trial Court Delay Reduction Act of 1986 and will propose standards for application to all trial courts (presently the standards apply only to the superior courts).

The committee will also examine the training and technical assistance needs of trial courts, other possible delay reduction approaches, and methods for improving understanding of, and participation in, delay reduction goals by the bench, bar and Legislature.

☐ *Implement state funding of the trial courts*

The implementation of state funding will require the examination of issues relating to adequate level of funding and the administration of state funding. New Judicial Council rules will be considered.

☐ *Improve the methods used to prepare weighted caseload studies and judgeship needs reports*

The assumptions and statistical bases of the weighted caseload system and the methodology used in preparation of judgeship needs reports will be reviewed.

☐ *Increase the use of automation in the trial courts*
Automating clerks' offices, reducing in-court appearances through telephone conferencing and expediting the completion of trial transcripts with computer and other electronic technology will be explored.

Actions and Recommendations

In addition to the priorities discussed above, the Court Management Committee also considered a number of subjects related to rules, forms and court procedures.

The following committee recommendations were approved by the Judicial Council:

Recommendations on Committee Priorities

Delay reduction
The Judicial Council adopted case disposition time standards as required by 1986 Assembly Bill No. 3300. The time standards became effective on July 1, 1987. In addition, the Judicial Council approved revised statistical reporting regulations for trial courts and proposed amendments to the Trial Court Delay Reduction Act of 1986 to promote the goals of the legislation.

The Judicial Council also adopted a new rule placing limits on the types of papers that may be filed with the trial court clerks' offices.

The committee studied the laws, rules and practices relating to voir dire of jurors, including amendments to Penal Code section 1038 enacted by 1987 Senate Bill No. 709.

State funding of the trial courts
The committee studied the provisions of Senate Bill No. 709 relating to state funding of the trial courts and reviewed staff plans for implementation of the bill.

Weighted caseload studies and judgeship needs reports
Staff reported to the committee on the history of the weighted caseload system and various problems in the production of judgment needs reports. The committee will continue to study these issues.

Automation in the trial courts
The committee approved a report on the use of closed circuit television and child witnesses. Pursuant to a statutory requirement, the report was forwarded to the Legislature.

The committee reviewed the requirements of 1987 legislation calling for pilot projects in 10 courts experimenting with appearances by telephone in certain types of proceedings. Implementation of these projects will begin in 1988.

Other Actions and Recommendations

On the committee's recommendation, the Judicial Council approved various new and amended rules and forms, including forms for interrogatories and requests for admissions; rules on discovery and discovery motions to implement recent legislation; and a revision of the crime victims' compensation pamphlet.

Status reports were also received and considered by the committee on the ongoing study of gender bias in the court system.

Court Management Committee[1]

This committee was chaired by Judge Harmon G. Scoville of the Orange County Superior Court. Other members were:

Hon. Mildred L. Lillie
Presiding Justice, Court of Appeal, Second Appellate District, Division Seven

Hon. Robert K. Puglia
Presiding Justice, Court of Appeal, Third Appellate District

Hon. William D. Stein
Judge, Superior Court, City and County of San Francisco

Hon. Robert D. Mackey
Judge, Municipal Court, Compton Municipal Court District

Hon. Cerena Wong
Judge, Municipal Court, Sonoma County Municipal Court District

Hon. Jane A. York
Judge, Justice Court, Sanger Justice Court District

Hon. Elihu M. Harris
Member of the Assembly

Mr. David B. Baum
Attorney at Law, San Francisco

Mr. David M. Heilbron
Attorney at Law, San Francisco

Mr. Alan Carlson[2]
Association for Superior Court Administration Executive Officer/Jury Commissioner, Monterey Superior Court, Advisory Member

[1] This listing reflects the committee's membership as of December 31, 1987.
[2] Appointed by the Chief Justice on September 1, 1987, vice Mr. William N. Pierce.

CHAPTER 3

REPORT OF THE

APPELLATE COURT COMMITTEE

Delay reduction on appeal and appellate automation were among the Appellate Court Committee's six priorities established in 1987. The committee made a number of recommendations regarding these and other key issues, which were approved by the Judicial Council of California. The committee's priorities, as approved by the council, are:

☐ *Reduce delay on appeal*
The committee will study methods for expediting matters on appeal, including the possible development of time standards for appeals.

☐ *Continue the "appellate automation project"*
Programs designed to utilize automation in the appellate courts will continue. Other uses of technology in the appellate courts may also be considered.

☐ *Review standards for computing the need for judges in the Courts of Appeal*

☐ *Review the organization and staffing of the Courts of Appeal*
The committee may examine existing council policies with respect to the Courts of Appeal, including use of central staff attorneys.

☐ *Review procedures in cases involving the welfare of minors*
The committee will study legislation mandating rules for an expedited appeal in juvenile dependency, adoption and freedom from custody cases, and 1987 legislation requiring similar treatment of abortion denial cases.

☐ *Review and reorganize the rules on appeal*
The committee is also interested in a study of the rules on appeal, including a proposal by the Appellate Court Clerks Association for a complete restatement of these rules.

Actions and Recommendations

The Appellate Court Committee considered a number of subjects related to the above priorities and made the following recommendations, which were approved by the Judicial Council:

Recommendations on Committee Priorities

Reduce delay on appeal
The committee considered the American Bar Association's standards relating to appellate caseflow management and delay reduction, but reached no consensus on adoption of the standards for California. The committee directed the staff to circulate for comment a proposed Standard of Judicial Administration that would urge the Courts of Appeal to enforce existing rules and to impose sanctions when appropriate.

The possible adoption of standards for timely disposition of appeals will be considered again in 1988.

Appellate automation
Staff reported to the committee on the progress made to establish and improve automated procedures in the appellate courts.

Appellate judgeship needs
The committee considered a staff report on judicial and staff workload in the appellate courts and asked the staff to prepare in 1988 a new study of the workload standard used to compute Court of Appeal judgeship needs.

Organization and staffing of the Courts of Appeal
The committee may review present policies in this area.

Appeals involving minors
In early 1988, proposals will be considered to improve and expedite procedures in appeals in dependency, termination of parental rights, and conservatorship proceedings involving minors.

Review rules on appeal
The committee considered and recommended to the Judicial Council a number of rule proposals designed to improve procedures for handling cases on appeal.

Other Actions and Recommendations

The Judicial Council approved new and amended rules, including: amendments pertaining to the discipline of judges, pursuant to the recommendations of the Advisory Committee on Judicial Performance Procedures, and a new rule governing procedures on appeals from a juvenile court order denying a waiver of parental consent for a minor's abortion.

The committee also considered and recommended to the Judicial Council positions on various pending legislative measures.

Appellate Court Committee[1]

This committee was chaired by Justice David N. Eagleson of the California Supreme Court. Other members were:

Hon. Donald B. King
Associate Justice, Court of Appeal, First Appellate District, Division Five

Hon. Mildred L. Lillie
Presiding Justice, Court of Appeal, Second Appellate District, Division Seven

Hon. Robert K. Puglia
Presiding Justice, Court of Appeal, Third Appellate District

Hon. Jack E. Goertzen
Presiding Judge, Superior Court, Los Angeles County

Hon. William D. Stein
Judge, Superior Court, City and County of San Francisco

Hon. Bill Lockyer
Member of the Senate

Mr. David B. Baum
Attorney at Law, San Francisco

Mr. David M. Heilbron
Attorney at Law, San Francisco

Mr. Kenneth W. Larson
Attorney at Law, San Pablo

Mr. Bernard E. Witkin
Advisory Member

Mr. Kevin A. Swanson
Appellate Court Clerks' Association, Clerk of the Court, Court of Appeal, Fifth Appellate District, Advisory Member

[1] This listing reflects the committee's membership as of December 31, 1987.

CHAPTER 4

REPORT OF THE

SUPERIOR COURT COMMITTEE

During 1987, the Superior Court Committee identified family law rules and procedures as a primary concern. Review of this area became one of its six priorities in 1987. The priorities, as approved by the Judicial Council of California, are:

☐ *Study all local rules, beginning with family law and proceeding to other areas of practice, with the goal of eliminating unnecessary variations in local practice and procedure*

☐ *Propose creation of an advisory committee to review family law procedures*

☐ *Review determinate sentencing procedures and try to find ways to simplify their technical aspects*
The committee will review the process of determinate sentencing with a view toward simplifying procedures and identifying causes of error.

☐ *Evaluate the need to create a special court for family law, juvenile law, and guardianship proceedings*

☐ *Study the use of alternative dispute resolution and its enforceability*
The committee may examine various methods of alternative dispute resolution, including a study of procedures for enforcing determinations reached through alternative methods.

☐ *Review calendar management procedures*
Potential areas for committee review include: calendar management procedures; the handling of complex civil and criminal cases; summary judgment procedures; "meet and confer" rules; and default procedures.

Actions and Recommendations

The Superior Court Committee made various recommendations regarding these priorities and other key matters, which were approved by the Judicial Council.

Recommendations on Committee Priorities

Local rules

The committee directed staff to place renewed emphasis on the review of all local rules and practices, with a view toward greater uniformity and simplification. The review will begin with family law and proceed to other areas of civil practice, with the initial emphasis on civil trial procedures.

The Judicial Council approved several amendments to existing rules on arbitration, pretrial proceedings in family law short-cause matters, and other rules relating to family law. The committee also asked the staff to review the "statement of decision" procedures followed in nonjury civil cases. The project began in 1988.

Family law advisory committee

The Superior Court Committee reviewed the history of the Judicial Council's role with regard to family law procedures and examined current issues relating to child support, custody, and other evolving areas of family law. The council asked the Chief Justice to appoint a new Family Law Advisory Committee to conduct a broad-based study of all family law procedures. The committee was appointed and held its first meeting in December 1987.

Sentencing

The committee received reports from the staff on issues relating to felony sentencing and the determinate sentencing law. Because of the committee's workload, however, action on this subject was deferred to the committee's February 1988 meeting.

Special family court

A proposed study of the relationship between family law, juvenile, and guardianship proceedings was referred to the appropriate advisory committees. The Family Law Advisory Committee and a new Juvenile Court Advisory Committee are expected to study this matter and make a report to the council in 1989.

Alternative dispute resolution

The committee recommended Judicial Council amendments that would streamline the arbitration rules and make them conform to recent statutory changes.

Calendar management procedures

The committee deferred for possible future study several proposals relating to improvements in calendar management and pretrial procedures. These areas are now under general review as a part of various delay reduction projects established under the Trial Court Delay Reduction Act of 1986.

Other Actions and Recommendations

The Judicial Council approved new and amended rules and forms, including:

- ☐ Family law form revisions required by recent legislation
- ☐ Amendments to the council's probate forms and subpoena forms, also required by recent legislation
- ☐ A mandatory proof of service (summons) form, in both a preprinted version and a version that may be produced by word processors
- ☐ Forms to implement a new law on simplified spousal support modification orders
- ☐ Forms and rules to implement 1987 legislation providing for judicial waiver of parental consent for a minor's abortion
- ☐ An amendment extending the experimental project that permits the use of family law forms generated by word processors

The committee also studied issues relating to criminal change of venue, the superior court weighted caseload system and rules requiring advice to felony defendants concerning appeal rights.

Superior Court Committee[1]

This committee was chaired by Presiding Judge Jack E. Goertzen of the Los Angeles Superior Court. Other members were:

Hon. Donald B. King
Associate Justice,
Court of Appeal,
First Appellate District,
Division Five

Hon. Fern M. Smith
Judge, Superior Court,
City and County of
San Francisco

Hon. Ricardo A. Torres
Judge, Superior Court,
Los Angeles County

Hon. Lourdes Gillespie Baird
Judge, Municipal Court,
East Los Angeles Municipal
Court District

Hon. Robert A. Barclay
Judge, Justice Court,
Modoc Justice Court District

Hon. Bill Lockyer
Member of the Senate

Mr. Joseph H. Cummins
Attorney at Law, Los Angeles

Mr. Kenneth W. Larson
Attorney at Law, San Pablo

Mr. Howard Hanson
County Clerks' Association,
County Clerk-Court
Administrator,
Marin County Clerk's Office,
Advisory Member

1 This listing reflects the committee's membership as of December 31, 1987.
2 Appointed by the Chief Justice on July 2, 1987, vice Hon. Patricia D. Benke.

CHAPTER 5

REPORT OF THE

MUNICIPAL AND JUSTICE COURT COMMITTEE

Developing an implementation plan for state trial court funding legislation became a major focus for the Municipal and Justice Court Committee in 1987. This issue topped the committee's list of six priorities, which were approved by the Judicial Council of California in 1987. The priorities are:

☐ *Formulate a plan to implement state funding of the trial courts*
A comprehensive review will be undertaken of policy, dynamics, scope and approaches to state funding as it affects the municipal and justice courts.

☐ *Reevaluate the policy of justice court consolidation and study the role of assigned justice court judges*
The traditional council policy and role with respect to lower court consolidation will be reviewed. The contributions made by justice court judges sitting on assignment will also be studied, with a view toward increasing the number of "circuit" judges.

☐ *Review the council's role in traffic and small claims courts and develop methods to streamline procedures and make those courts more responsive to the public*
The committee will study the council's role in working with these courts, the utility of adviser programs, and promulgation of standard procedures and forms.

☐ *Study the use of commissioners, referees and temporary judges and recommend ways to improve their training*

☐ *Explore methods to expand professional training programs for nonjudge personnel in municipal and justice courts*

☐ *Study the application of the American Bar Association standards on trial delay reduction to the municipal and justice courts*

Actions and Recommendations

The Municipal and Justice Court Committee considered a number of subjects related to the priorities discussed above and made the following recommendations that were approved by the Judicial Council.

Recommendations on Committee Priorities

State funding of the trial courts
The committee considered a staff report analyzing the provisions of 1987 Senate Bill No. 709 on determining the amount of block grants for justice court operations. Staff was directed to present a specific proposal for a judicial council rule at the February 1988 meeting.

Court consolidation and assignment of justice court judges
In addition to approving reports prepared pursuant to Government Code section 71042 on the consolidation of judicial districts in Mendocino and Humboldt Counties, the committee generally reviewed the history and development of policy on lower court consolidations. Staff was instructed to present a report in 1988 evaluating those policies in light of current developments.

The committee also reviewed the circuit court judge program and considered proposals for better utilization of justice court judges on assignment. The Judicial Council approved a proposal to seek funds for up to 30 circuit justice court positions, and to extend the circuit judge program.

Traffic and small claims
The committee conducted a general review of the council's policy and practice concerning uniform bail schedules and uniform citation forms. To implement recent legislation, the committee recommended for Judicial Council approval a new form for Notice of Delinquent Parking Violation and Notice of Trial Date.

Use of commissioners, referees and temporary judges—training
The committee recommended for Judicial Council approval a proposed amendment to rules 244 and 532 to improve and streamline the procedures for designating temporary judges.

Other action under this subject was deferred until 1988.

Training nonjudge personnel
This subject was deferred for study in 1988.

Delay reduction in the lower courts
The committee instructed the staff to develop data on which to base proposed case processing time standards for the lower courts and it anticipates that new time standards will be effective in 1990.

The committee also asked the staff to study the feasibility of mandating "pre-preliminary" hearings in felony cases as a delay reduction device.

Other Actions and Recommendations

The committee reviewed issues relating to the Judicial Council's weighted caseload system for municipal and justice courts.

Pursuant to legislation, the committee approved and recommended to the Judicial Council a plan for conducting an experiment in Los Angeles County with eight-member civil juries.

Municipal and Justice Court Committee[1]

This committee was chaired by Judge Lourdes Gillespie Baird of the East Los Angeles Municipal Court District. Other members were:

Hon. Fern M. Smith[2]
Judge, Superior Court,
City and County of
San Francisco

Hon. Ricardo A. Torres
Judge, Superior Court,
Los Angeles County

Hon. Robert D. Mackey
Judge, Municipal Court,
Compton Municipal Court
District

Hon. Cerena Wong
Judge, Municipal Court,
Sonoma County Municipal
Court District

Hon. Robert A. Barclay
Judge, Justice Court,
Modoc Justice Court District

Hon. Jane A. York
Judge, Justice Court,
Sanger Justice Court District

Elihu M. Harris
Member of the Assembly

Mr. Joseph H. Cummins
Attorney at Law, Los Angeles

Ms. Sheila Gonzales
Association of
Municipal Court Clerks,
Executive Officer-Clerk,
Ventura County Municipal
Court District,
Advisory Member

[1] This listing reflects the committee's membership as of December 31, 1987.
[2] Appointed by the Chief Justice on July 2, 1987, vice Hon. Patricia D. Benke.

CHAPTER 6

STATE TRIAL COURT FUNDING ACT

The Judicial Council's 20-year effort to secure state funding for trial courts culminated in Senate Bill No. 709 (Lockyer and Brown), which was signed into law by Governor Deukmejian in 1987.

The bill makes operative the Trial Court Funding Act of 1985 (commencing with § 77100 of the Gov. Code) on July 1, 1988. It will provide California counties that opt into the system with approximately $350 million in state block grants for trial court operations.

The bill also creates a $20 million state Trial Court Improvement Fund for Judicial Council grants to improve trial court efficiency and management. In addition, it provides for 109 new judgeships: 11 in the Court of Appeal; 64 in the superior courts; and 34 in the municipal courts. The bill also provides for the resumption of a state-mandated judicial arbitration program effective July 1, 1988, and two pilot projects on voir dire in Fresno and Santa Cruz County Superior Court criminal cases.

The Trial Court Funding Act embodies the following principles historically embraced by the judiciary:

- ☐ The trial of civil and criminal actions is an integral and necessary function of the judicial branch of state government under Article VI of the California Constitution;
- ☐ All citizens of this state should enjoy equal and ready access to the trial courts;
- ☐ Local funding of the trial courts may create disparities in the dispensation of justice;
- ☐ The method of funding trial courts should not create financial barriers to the fair and proper resolution of civil and criminal actions;
- ☐ Many people defend their personal and property rights in the courts, and seek redress through the judicial system only when compelled by sheer necessity of circumstance; and
- ☐ This chapter is enacted to promote the general welfare and to protect the interest in a viable and accessible judicial system.

State Finance Provisions

Block grants for option counties
The bill provides for the quarterly transmission of block grants to the option counties based on the following rates:

- ☐ $480,000 for each superior court judgeship;
- ☐ $468,000 for each superior court commissioner and referee;
- ☐ $474,000 for each municipal court judgeship;
- ☐ $455,000 for each municipal court commissioner or referee; and
- ☐ $474,000 for each full-time justice court judgeship, or, with respect to each part-time justice court judgeship, such percentage of that amount as equals the proportion of a full-time work week spent exercising the duties of a justice court judge.

County option procedure
An option county shall notify the state of its intent to opt into the system on or before August 1, 1988, and on or before May 1 of any succeeding year by transmitting a resolution signed by the chairperson of the board of supervisors, the presiding judge of the superior court, the presiding judge of the municipal court district in which the county seat is located, or if there is no such municipal court district, the judge of the justice court district in which the county seat is located.

The resolution must state that a majority of the board members, a majority of the superior court judges, and a majority of the municipal court judges, or if no municipal court district in the county seat, the judges of the justice courts in the county, request state funding. The option must be renewed each subsequent fiscal year.

Revenue recapture
Counties participating in the program will effectively remit the filing fees and fines and forfeitures otherwise going to the county, except courthouse construction, law library, certain alcohol and drug programs and criminal justice facilities revenue, to the state.

Court operations
The funds must be used for court operations, defined as:

The county share of superior and municipal court judges' salaries, benefits, and public agency retirement contributions, and the salary, benefits, and public agency retirement contributions for the justice court judges, subordinate judicial officers, other court staff, including all municipal court staff positions specifically prescribed by statute, those deputy marshals and sheriffs as the court deems necessary for court operations, court-appointed counsel in juvenile dependency proceedings, materials and supplies relating to court operations, and actual indirect costs, not to exceed 18 percent of the block grant, for county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by trust pursuant to statute, courthouse construction, or district attorney services; probation services, indigent criminal defense; grand jury expenses and operations; and pretrial release services.

However, in a county with a population of 350,000 or less, to the extent that the block grant for a given fiscal year exceeds the 1987-88 funding level for the trial courts in that county, as adjusted by the current consumer price index, "court operations" includes probation services, indigent criminal defense, and pretrial release services.

The Judicial Council adopted a more precise definition of court operations at its February 1988 meeting.

Trial Court Improvement Fund

The Judicial Council developed and adopted priorities for the distribution of the annual $20 million Trial Court Improvement Fund that was established by the historic 1987 State Trial Court Funding Act.

Designed to improve court management and efficiency, case processing and speedy trials, the fund will be appropriated each fiscal year and disbursed to option counties through grants administered by the Judicial Council.

In October 1987, the Judicial Council invited judges, court administrators, attorneys and others interested in trial court improvement to comment on priorities for fund distribution.

Based on these responses, the Judicial Council developed and adopted three priority programs designed to: reduce delay; promote multicourt or regional efforts to improve trial court operations, including projects that can be replicated in other courts; and promote automation, personnel management and construction of facilities, provided that no construction grant exceeds $500,000.

In December 1987, invitations to submit concept papers for Trial Court Improvement Fund grants were submitted to judges, court administrators, county executive officers, district attorneys, public defenders and probation officers. By the January 1988 deadline, approximately 200 concept papers and 70 requests for STATSCAN equipment had been received. The total amount requested exceeds 60 million.

The Judicial Council also authorized the appointment of an advisory committee to review and recommend concept papers and grant proposals. The committee's 14 members comprise one appellate court judge, two superior court judges, two municipal court judges, one justice court judge, one superior court administrator, one municipal court administrator, one county clerk-recorder, two private attorneys, one private sector member and two Judicial County liaison members.

In fiscal year 1988-89, a new unit comprising a manager, secretarial support, analysts, a program compliance officer and a fiscal compliance officer is expected to be formed to administer the program.

CHAPTER 7

TRIAL COURT DELAY REDUCTION ACT

During 1987, the Judicial Council took major steps to implement the principal components of the Trial Court Delay Reduction Act, passed by the Legislature in 1986.

Designed to reduce the resolution time for civil and criminal actions in California courts from commencement of the litigation, the act embodies a fundamental shift in California's case management policy and relegates responsibility to the judiciary for supervising the pace of litigation.[1]

"Delay in the resolution of both civil and criminal litigation is not in the best interests of the state and the public," the act states.

"The people of the State of California expect and deserve prompt justice and the speedy resolution of disputes. Delay in the resolution of litigation may reflect a failure of justice and subjects the judiciary to a loss of confidence by the public in both its fairness and utility as a public institution. Delay reduces the chance that justice will in fact be done, and often imposes severe emotional and financial hardship on litigants." (Gov. Code, § 68601 (b).)

During the year, the council took actions to implement two principal components of the act.

It adopted statewide standards for the timely disposition of civil and criminal cases in all superior courts and initiated the collection of statistics on superior court compliance with those standards.

In addition, the act mandates that selected trial courts, on a pilot program basis, should utilize various tested methods for reducing litigation delays. Delay reduction pilot programs were established in the nine superior courts with the longest disposition rates previously identified by the council.

The council also conducted educational workshops to assist courts in complying with the act and approved proposals to amend the act.

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1 Assembly Bill No. 3300, Statutes of 1986, Chapter 1335; Gov. Code, sec. 68600 et seq. See Chapter 3, "Trial Court Delay Reduction Act," pp. 9-12, inclusive, *1986 Judicial Council Annual Report*, for the full text of the act.

Time Standards Adopted

The Judicial Council adopted statewide standards for the timely disposition of civil and criminal cases in California superior courts. The interim time standards, which took effect July 1, 1987, are principles and guidelines to measure the progress of litigation.

The standards are found in new sections 2 and 2.1 of the Judicial Council's recommended Standards of Judicial Administration in the Appendix to the California Rules of Court.

They provide that from July 1, 1987, to June 30, 1988, general civil cases should have a total elapsed processing time of no more than four years from filing to disposition and each superior court should reduce the pending caseload by disposing of at least 25 percent more general civil cases than are filed during that period.

Felony cases disposed of between those dates should have a total elapsed processing time of no more than one year from first court appearance to disposition.

General principles of caseflow management and delay reduction are also found in the standards. They provide that "from the commencement of litigation to its resolution, any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and should be eliminated" and that "the court, not the lawyers or litigants, should control the pace of litigation."

These standards incorporate policies recommended in the national Court Delay Reduction Standards adopted by the American Bar Association in 1984. The more stringent American Bar Association case disposition time standards for civil and criminal cases were adopted to become effective July 1, 1991.

The council's Municipal and Justice Court Committee also began to review appropriate case disposition time standards for California's lower courts.

Pilot Programs Established

The Trial Court Delay Reduction Act designated nine superior courts identified by the Judicial Council to establish civil delay reduction pilot programs. The act mandated that a minimum of four judges be assigned to each program and that the programs be operative by January 1, 1988, and continue for a three-year period. Pilot programs were established in these counties: Alameda, Contra Costa, Kern, Los Angeles, Orange, Riverside, Sacramento, San Diego and San Francisco.

In consultation with the local bar, each program court adopted rules to eliminate delay in the resolution of litigation, including time frames for concluding all critical steps in the litigation process from filing to disposition.

Many courts adopted the case processing standards recommended by the American Bar Association that provide for resolution of 90 percent of all general civil cases within one year of filing, 98 percent within 18 months of filing and 100 percent within two years of filing.

The San Diego Superior Court pilot program began January 1, 1987, one year before the operative date specified in the act. By January 1988, 63 percent of all general civil cases filed in January 1977 had been resolved. All San Diego Superior Court judges were designated program judges and the court continues to operate under a master calendar system.

In Los Angeles, where pilot program rules became operative October 15, 1987, 25 of the central district civil trial judges were designated pilot program judges. These judges are handling odd-numbered general civil cases for all purposes using an individual calendar system, while all even-numbered cases continue to be processed through the master calendar department and are assigned to remaining non-program judges. Status conferences in pending cases were held by the program judges in November and December 1987, and new trial dates were assigned.

Alameda Superior Court program rules went into effect November 1, 1987. All general civil cases filed after this date are subject to the new rules and all judges of the court were designated pilot program judges. The court conducted an intensive civil settlement program to prepare for the pilot project. In cooperation with the municipal courts, innovative programs to reduce the criminal backlog were also implemented. The court continues to assign cases using a master calendar system.

Sacramento Superior Court pilot program rules became effective January 1, 1988, and all general civil cases filed after this date are subject to the new program rules. All judges were designated program judges. The court is using a hybrid individual/master calendar system. A program case is handled for all purposes short of trial by one judge. Program cases will then be assigned out for trial through the master calendar department.

In the remaining pilot program courts of Contra Costa, Kern, Orange, Riverside and San Francisco, four judges in each court were designated program judges and program rules were adopted effective January 1, 1988. Cases for assignment to the program in each court are randomly selected by a pre-numbering or other system. Each case selected for the program is handled by a program judge for all purposes, including trial, except in the Riverside court, which continues to use a master calendar system.

Orange County has limited its program to commercial and business litigation only. In San Francisco, all asbestosis cases are excluded from the program because special procedures to handle these cases are already in place. The Contra Costa, Kern and Riverside programs have included all "general civil cases" as defined in the Standards of Judicial Administration, section 2.1(4).

Advancing Program Goals

Pilot program courts are reviewing case files to determine the age of pending cases and are conducting purge programs to dismiss old, inactive cases.

All program courts hired additional staff to implement and monitor the new programs. The Administrative Office of the Courts (AOC) and the National Center for State Courts (NCSC), as consultant to the Judicial Council, are assisting the program courts in their implementation efforts. Under the guidance of the NCSC, courts are collecting baseline data to measure progress in reducing processing time.

All courts are devoting substantial amounts of time to speaking engagements organized by local bar associations and other legal support groups to educate the public on the new program rules. Requests for local rules from throughout the state are being processed by the courts.

The AOC plans to conduct quarterly meetings for program court judges and personnel. These meetings will provide an opportunity for program courts to discuss strategies and solicit ideas on how to improve program operations. The AOC, with the assistance of the NCSC, will provide independent reports on the progress of each court in reaching its program goals, including statistical analyses.

The AOC and the NCSC are developing a comprehensive list of factors that will be used to evaluate the success of the pilot programs in achieving civil delay reduction goals. The results will provide a basis for making recommendations to the Legislature in a report to be submitted by July 1991.

Statistical Reporting Tracks Pilot Courts

Baseline data on the condition of each program court's caseload at commencement is being collected in order to measure progress toward established goals and to evaluate the effectiveness of each program.

In August 1987, the Legislature passed an urgency statute that appropriated $225,000 to the council for the purchase of computer technology and related materials to be used in the pilot program courts to track the progress of cases (Stats. 1987, ch. 238).

Computer technology was leased and allocated primarily to courts that elected to use the STATSCAN or SUSTAIN systems. Information collected with STATSCAN using a wand and bar codes on a case by case basis is electronically trans-mitted to the AOC.

SUSTAIN is a detailed case monitoring program with functions such as individual case tracking to monitor compliance with established processing times, production of notices to attorneys and parties, calendar preparation, indexing, and other detailed statistical, workload and case management functions.

Alameda, Contra Costa, Riverside and San Francisco elected to continue using their present computer systems with some modifications. Contra Costa and Riverside will be provided with microcomputer printers and modems permitting electronic transfer of data through the STATSCAN system.

All Superior Courts Monitored

During the last quarter of 1987, the AOC concentrated on implementing requirements under the act that provide for the collection of statistics beginning January 1, 1988, which are to be published annually, "regarding the compliance of the superior court of each county and of each branch court with the standards of timely disposition adopted" by the council for civil and criminal cases. (Gov. Code, §§ 68604 and 68611.)

Draft forms and regulations were circulated for comment to all courts. Four regional workshops for superior court judges, court administrators and clerks were held in Redding, Oakland, Fresno and Ventura during October and November 1977, to educate state trial courts on the purposes of the act, on delay reduction case management techniques and on new statistical reporting requirements.

Many suggestions for improvements were incorporated in the final forms and regulations. Final proposed forms and regulations were submitted for comment to members of the council's Court Management Committee and were formally adopted by order of the Chief Justice (Cal. Const., art. VI, § 6; Gov. Code, § 68505) on December 17, 1987, effective January 1, 1988.

Superior court data reported on the new forms (Forms 1-C, 1-D and 1-E) will supplement information reported on the Summary of Filings and Dispositions (Form 1-A) and Condition of Calendar (Form 1-B) reporting forms that are submitted monthly to the AOC.

Because felony cases must be aged from the date of arrest and the first lower court appearance, lower courts are required to transmit case age information to the superior court on a "Felony Case Face Sheet" (Form 2-C) unless some other method is approved by the presiding judge of the superior court. The superior court carries this information forward on the Criminal Defendant Reporting Addendum (Form 1-D).

Criminal and civil cases are not aged under defined circumstances when the court has no control over the case and the case is, therefore, unavailable for court processing. The number of civil "exceptional" cases declared exempt from the time standards each month under the Standards of Judicial Administration section 2.1(6) must also be specified.

The AOC receives many statistical reporting questions from court personnel as they implement the new case tracking procedures. To assist all courts, the AOC published a new quarterly newsletter titled RAS (Reporting Accurate Statistics) that addresses frequently asked questions on statistical reporting. The first issue was published in February 1988.

Volunteer Program Courts Permitted

The Trial Court Delay Reduction Act permits any superior court not designated as one of the nine pilot courts to establish a voluntary civil delay reduction program with certain limitations. (Gov. Code, §§ 68605, 68606 and 68608.)

At the time of publication, the three counties of Fresno, Santa Barbara and Yolo established volunteer programs. Napa County planned to establish a program effective July 1988.

Several Northern California counties formed a committee to explore the possibility of establishing a regional civil delay reduction program.

Legislative Amendments Approved

Two proposals to seek legislative amendments to the Trial Court Delay Reduction Act were approved by the Judicial Council at the November 21, 1987, meeting.

The council approved a proposal that would permit the superior court of any county to establish an exemplary civil delay reduction program under the act any time during the three-year experimental period. The action was taken in response to interest expressed by trial courts that were not designated as one of the nine pilot courts and to encourage participation in delay reduction efforts.

The council also approved a proposal that would expressly authorize local exemplary delay reduction program rules to shorten any time limits specified by statute, and to specify procedures for filing and distributing local rules.

At the time of publication, the two proposed amendments were introduced by Assembly Speaker Willie L. Brown, Jr. (Assem. Bill No. 3830, Feb. 18, 1988).

Appendix to the

CALIFORNIA RULES OF COURT

Division I
Standards of Judicial Administration
Recommended by the Judicial Council

Sections 2 and 2.1 are added to the Judicial Council's recommended Standards of Judicial Administration, effective July 1, 1987, to read:

Sec. 2. Caseflow management and delay reduction—statement of general principles Trial courts should be guided by the general principle that from the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events is unacceptable and should be eliminated. To enable the just and efficient resolution of cases the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and, once achieved, maintaining a current docket. [Adopted effective July 1, 1987.]

Sec. 2.1. Case disposition time standards The recommended time standards in this section are adopted pursuant to chapter 1335 of the Statutes of 1986 (Gov. Code, § 68603).

(1) [Statement of purpose] These recommended time standards are intended to guide the trial courts in applying the policies and principles of section 2 of the Standards of Judicial Administration. They are administrative, justice-oriented guidelines to be used in the management of the courts. They are not to be used as the basis for sanctions against any court or judge.

(2) [Superior court civil cases—processing time] Each superior court general civil case disposed of between July 1, 1987, and June 30, 1988, should have a total elapsed processing time of no more than four years from filing to disposition.

(3) [Superior court civil cases—rate of disposition] From July 1, 1987, through June 30, 1988, each superior court should dispose of at least 25 percent more general civil cases than are filed during that period. By thus disposing of cases that are no longer active, the courts should identify active pending cases that may require judicial attention.

(4) [Definition] As used in this section, "general civil case" means all civil cases except probate, guardianship, conservatorship, family law, and juvenile proceedings, *and "other civil petitions" as defined in the Regulations on Superior Court Reports to the Judicial Council.* [Amended effective Jan. 1, 1988.]

(5) [Felony cases] All felony cases disposed of between July 1, 1987, and June 30, 1988, should have a total elapsed processing time of no more than one year from first court appearance to disposition.

(6) [Exceptional cases] A civil case that involves exceptional circumstances or will require continuing review is exempt from the time standards in subdivision (2). *An exceptional case is not exempt from the time standard in subdivision (5), but case progress should be separately reported under the Regulations on Superior Court Reports to the Judicial Council.* [Amended effective Jan. 1, 1988.]

(7) [ABA standard 2.52] Effective July 1, 1991, the case disposition time standards set forth in standard 2.52 of the American Bar Association's Standards Relating to Court Delay Reduction are adopted for civil and criminal cases. [Adopted effective July 1, 1987.]

CHAPTER 8

ADVISORY COMMITTEE ON

JUDICIAL PERFORMANCE PROCEDURES

On May 6, 1987, Chief Justice Malcolm M. Lucas appointed an advisory committee under Government Code section 68501 to review pending proposals affecting the discipline of judges. The committee was appointed in response to a recommendation of the Judicial Council, adopted on March 28, 1987. The recommendation was based on the perceived need to create an effective and expeditious mechanism to review an accumulation of pending proposals, which would affect the rules that govern proceedings before the Commission on Judicial Performance.

The committee was charged with reviewing the following issues or proposals:

- ☐ Creation of a public reproval procedure which, with the consent of the judge, would not require Supreme Court review;
- ☐ Consideration of proposed adjustments in the terms of commission members;
- ☐ Creation of a new private disapproval or counseling procedure;
- ☐ Clarification of the definition of "submission of a cause" for puposes of determining the 90-day period during which a judge may decide a case and execute a salary affidavit;
- ☐ Consideration of the scope of confidentiality in commission proceedings and proposals for either extending or limiting the period of confidentiality;
- ☐ Imposition of a requirement that the commission issue a written explanation when no disciplinary action is taken;
- ☐ Consideration of a commission proposal to transfer rule making authority from the Judicial Council to the commission itself;
- ☐ Suggestions to extend or protect the rights of judges before the commission to be submitted by the California Judges Association; and
- ☐ Consideration of the proper mechanism for reviewing and analyzing future proposals affecting judicial conduct.

The committee met for the first time in San Francisco at the Administrative Office of the Courts on June 8, 1987, and again on five other occasions.

At the committee's invitation, three distinguished guests addressed proposals on its agenda.

Presiding Justice John T. Racanelli of the Court of Appeal, First Appellate District, Division One, and then Chairperson of the Commission on Judicial Performance, discussed issues of confidentiality in commission proceedings.

Mr. Jack E. Frankel, the commission's director and chief counsel, also attended a meeting. Mr. Ephraim Margolin, who has represented several judges in proceedings before the commission, discussed issues and problems confronting judges charged with acts of misconduct.

Proposals Recommended

The advisory committee presented its recommendations to the Judicial Council on November 21, 1987. The council approved circulation of a series of proposals for statewide comment.

The proposals are summarized as follows:

Public reproval

A new provision would be added to article VI, section 18 of the California Constitution to create the option of public reproval as a possible penalty for judicial misconduct. The new option would require the consent of the judge and would not permit further review in the Supreme Court.

Staggered terms

Article VI, section 8 of the California Constitution would be amended to create staggered four-year terms for commission members; permit members to remain in office after expiration of their terms until the vacancies are filled; and limit membership on the commission to two full terms.

Commencement of commission proceedings and private admonishment

Rules 904 and 904.5 governing the commencement of commission proceedings and private admonishment would be amended and augmented to provide for:

- A confidential advisory letter procedure to be used after commencement of either a staff inquiry or a preliminary investigation (proposed new rules 904.1 and 904.2(c));
- Clarification of the initial steps of a commission proceeding (proposed amendment to rule 904);
- Notice to the residence address of a judge, if easily ascertainable, or to an address designated by the judge (proposed new rule 904.4);
- Deletion of the requirement that limits the commission to no more serious penalty than private admonishment if a judge contests the commission's notice of intended private admonishment (proposed amendment to rule 904.5);
- Creation of an observation period not to exceed two years during a preliminary investigation (proposed new rule 904.2(d)).

Submitted matters in trial courts

- New rule 825 would be adopted to define submission of a cause in a trial court;
- New rules 205.1 and 532.6 would be adopted to impose the duty upon presiding judges of municipal and superior courts to monitor and supervise causes under submission;
- A new recommended salary affidavit form would be distributed to the municipal courts and suggested to the State Controller's Office. It would clarify a judge's duty to decide causes within 90 days of submission.

Exceptions to confidentiality

Existing rule 902(b) permits the commission to release a brief announcement after a formal hearing has been ordered in a proceeding that is known to the public and of broad public interest. The proposed amendment to the rule would permit release of the announcement in the same context after initiation of a preliminary investigation, which is an earlier stage in the proceeding.

Work continues

In order to permit analysis of the comments received so that final action on the committee's recommendations might be taken by the council, the committee was authorized to continue its work for an additional year. This extension would also allow the committee to complete consideration of significant issues, including proposals by the California Judges Association.

Advisory Committee on Judicial Performance Procedures

Hon. Richard Schauer,
Chair; Retired Presiding Justice, Court of Appeal, Second Appellate District, Division Seven

Hon. Harmon G. Scoville
Presiding Justice, Court of Appeal, Fourth Appellate District, Division Three, Santa Ana

Hon. Elwood Lui
Retired Associate Justice, Court of Appeal, Second Appellate District, Division Three, Los Angeles

Hon. David M. Rothman
Judge, Superior Court, Los Angeles County

Hon. William P. Hogoboom
Retired Judge, Superior Court, Los Angeles County

Hon. Thomas Konsgaard
Retired Judge, Superior Court, Napa County

Hon. Susan P. Finlay
Judge, Municipal Court, South Bay Municipal Court District

Mr. Dale Hanst
Attorney, Santa Barbara

CHAPTER 9

ADVISORY COMMITTEE ON

GENDER BIAS IN THE COURTS

On July 15, 1986, then Chief Justice Rose Elizabeth Bird appointed a special committee of Judicial Council members to review issues of gender bias in the California court system. The committee's formation was inspired in part by the active interest in issues of gender bias demonstrated by persons and organizations in California and the states of New York and New Jersey.

The Judicial Council committee was chaired by then Associate Justice Elwood Lui of the Court of Appeal for the Second District, Division Three. It was charged with reviewing specific suggestions for changes in court practice and procedure designed to ensure equal treatment for men and women in the court system, and with reporting its recommendations to the full Judicial Council.

After an extensive review of proposals pending in California and proposals contained in the reports from the states of New York and New Jersey, the committee submitted its recommendations for changes in court practice and procedure and specific issues for further study. The committee's recommendations concerned:

- ☐ Judicial education;
- ☐ Training conducted by the Administrative Office of the Courts (AOC);
- ☐ Standards of Judicial Administration governing bias in the courtroom, waiting rooms for children and gender neutral language in local rules, forms and documents;
- ☐ Review by the AOC of all statewide rules, standards and forms to ensure the use of gender neutral language;
- ☐ Formal transmittal of reports from New York and New Jersey to other state agencies; and
- ☐ Further study of gender bias issues by an advisory committee.

In accordance with the council's usual practice, a preliminary report summarizing the eight proposals was circulated for statewide comment in September 1986.

The committee's final recommendations were modified slightly and approved by the Judicial Council Court Management Committee at its November 1986 meeting, and, as modified, were adopted by the full council on December 6, 1986.

Implementing Council Proposals

The following actions were taken after the December 1986 meeting, pursuant to the recommendations adopted by the Judicial Council:

A letter dated December 30, 1986, was transmitted to the California Center for Judicial Education and Research (CJER) from the Administrative Director of the Courts. The letter commended CJER for its educational programs on fairness and urged expansion of those programs to include specific gender bias components at the substantive law institutes, orientation programs and the judges' college.

A gender bias component was contained in CJER's Family Law Institute in March of 1987 and at the Cow County Judges Institute conducted in late May of 1987.

A gender bias component was a part of the workshop for presiding judges and court administrators conducted by the AOC on April 3 and 4, 1987.

Copies of the newly adopted Standards of Judicial Administration and a manual on how to establish a children's waiting room prepared by Judge Alice A. Lytle of the Sacramento Municipal Court were distributed to the courts on January 5, 1987.

Copies of the New York and New Jersey reports were mailed with letters of explanation to the Commission on Judicial Performance, the Attorney General, the State Bar of California, the Committee of Bar Examiners, and the dean of each law school registered with that committee.

Advisory Committee Appointed

On January 2, 1987, pursuant to Government Code section 68501, then Chief Justice Bird appointed 27 members to the Judicial Council Advisory Committee on Gender Bias in the Courts.

Then Associate Justice Elwood Lui of the Court of Appeal for the Second Appellate District, Division Three, and Senator Diane Watson of the Twenty-eighth Senate District were named co-chairs.

Thereafter, Chief Justice Malcolm M. Lucas appointed two additional members on March 16, four additional members on September 23, and four additional members on November 16.

Three of the initially appointed members have resigned from the committee.

On September 23, Chief Justice Lucas named Los Angeles Superior Court Judge David M. Rothman as co-chair to replace Justice Lui, who retired and returned to private practice. Justice Lui remained a member of the executive committee and the full committee. Los Angeles Superior Court Judge Judith C. Chirlin was selected as vice-chair. Chief Justice Lucas also selected a recognized expert in the field with substantial experience in other states, Dr. Norma J. Wikler, to serve as an advisor and consultant to the committee. A roster of the committee is set forth below.

The committee was charged with conducting a comprehensive review of gender bias issues, consistent with the scope of the Judicial Council's authority and with special focus on:

- ☐ judicial branch employment practices;
- ☐ gender bias within the judiciary;
- ☐ selection of court-appointed counsel;
- ☐ jury instructions;
- ☐ domestic violence;
- ☐ custody;
- ☐ child support;
- ☐ economic consequences of dissolution;
- ☐ data collection; and
- ☐ family law education and assignment procedures.

Tentative Projects Designated

At the first meeting of the advisory committee on April 24, 1987, and subsequent subcommittee meetings held on June 19, 1987, the committee identified and discussed a list of specific issues and research projects in addition to general issues of gender bias. The committee's list of projects was based in part on the findings of other states, and in part on the knowledge and experience of individual committee members.

The purpose of developing this list of issues and projects was to provide a framework for a more general inquiry incorporating the knowledge already acquired in other states and in California. The list was formulated as a guideline only and was slated for re-evaluation as information gathered in a more general inquiry would be analyzed. The committee's proposed projects included:

- ☐ A quantitative analysis of civil damage awards to determine whether there is evidence of disparate amounts based on the sex of the plaintiff;
- ☐ Development of an educational videotape that examines jury deliberations using the method of a mock trial;
- ☐ A comprehensive review of law school education and continuing education for attorneys to determine whether courses typically contain relevant information on gender bias issues;

- ☐ A survey of employment conditions in four to five counties to determine whether sex-based discrimination or sexual harassment occurs in the courts;
- ☐ A comprehensive exit poll of litigants in a limited number of courts, or in certain types of proceedings, to determine whether the litigants polled have perceived instances of gender bias in the course of their contact with the court system;
- ☐ A survey of attorney's fees awards and appointment procedures to determine whether awards and appointments are made fairly and without regard to the sex of the attorney;
- ☐ A quantitative analysis of whether adult sentencing and juvenile dispositions reflect gender-based discrimination or bias;
- ☐ A review of resources and alternatives available to men and women in the criminal justice system to determine whether one sex is disadvantaged;
- ☐ A quantitative analysis of the declination rate in rape and prostitution cases;
- ☐ A survey of women judges designed to determine whether gender bias is reflected in the selection of presiding judges, assignment procedures, or committee appointments;
- ☐ A statistical analysis of the adequacy of child support and spousal support awards;
- ☐ An analysis of the effectiveness of the court's response to the needs of domestic violence victims.

Committee's Research Plan Announced

The advisory committee announced its proposed research plan on September 19, 1987, as part of the program sponsored by the Committee on Women in the Law at the State Bar Annual Meeting. The draft plan used a composite of data collection methods to determine whether there are patterns and problems of bias in the California courts. The plan highlighted three phases.

In the first general data collection phase, the committee would conduct six regional meetings with bar associations and three public hearings. The regional meetings would begin in late January of 1988. The proposed meeting sites were Chico, Sacramento, San Francisco, Fresno, Los Angeles, and Santa Ana. The public hearings were to follow in Sacramento, San Francisco, and Los Angeles.

In the second or evaluation phase, the general data would be evaluated and more specific research projects and technical assistance programs would be developed if appropriate.

The third phase would include a comprehensive report to the Judicial Council and implementation of approved reforms.

Judge Meredith C. Taylor of the Los Angeles Superior Court was selected to head a group planning the format and logistics of the regional meetings. The meetings were to be co-sponsored by a consortium of bar associations from each of the six designated regions. Participants would be invited to address a list of questions and issues prepared in advance by the subcommittees and relating to the following general subjects:

- ☐ Civil litigation and courtroom interaction;
- ☐ Court administration;
- ☐ Family law and domestic violence; and
- ☐ Juvenile law and criminal law.

Written forms would be provided in advance and at the meeting for those who did not wish to participate directly.

Advisory Committee on Gender Bias in the Courts

Hon. David M. Rothman, Co-chair
Judge, Superior Court,
Los Angeles County

Hon. Diane Watson, Co-chair
Member of the Senate
Twenty-eighth Senatorial District

Hon. Judith C. Chirlin, Vice-chair
Judge, Superior Court,
Los Angeles County

Hon. Lisa Hill Fenning
Judge, United States
Bankruptcy Court,
Los Angeles

Hon. Elwood Lui
Retired Associate Justice,
Court of Appeal,
Second Appellate District,
Division Three

Hon. Sheila Prell Sonenshine
Associate Justice,
Court of Appeal,
Fourth Appellate District,
Division Three

Hon. Norman L. Epstein
Judge, Superior Court,
Los Angeles County

Hon. Judith McConnell
Judge, Superior Court,
San Diego County

Hon. Linda Hodge McLaughlin
Judge, Superior Court,
Orange County

Hon. Sheila F. Pokras
Judge, Superior Court,
Los Angeles County

Hon. Sara K. Radin
Judge, Superior Court,
Los Angeles County

Hon. Fern M. Smith
Judge, Superior Court,
City and County of San Francisco

Hon. Meredith C. Taylor
Judge, Superior Court,
Los Angeles County

Hon. Jack Tenner
Judge, Superior Court,
Los Angeles County

Hon. Kathryn Doi Todd
Judge, Superior Court,
Los Angeles County

Hon. Judith Donna Ford
Judge, Municipal Court,
Oakland-Piedmont-Emeryville
Municipal Court District

Hon. Alice A. Lytle
Judge, Municipal Court,
Sacramento Municipal Court District

Hon. Frances Munoz
Judge, Municipal Court,
Orange County Harbor Municipal
Court District

Hon. Brian L. Rix
Judge, Municipal Court,
North (Butte) County Municipal
Court District,
Paradise Branch

Hon. Elihu M. Harris
Member of the Assembly
Thirteenth Assembly District

Ms. Linda Broder
Past president, California League
of Women Voters, Los Angeles

Mr. James J. Brosnahan
Attorney at Law, San Francisco

Mr. Kenneth Mark Burr
Deputy District Attorney
Alameda County

Ms. Juana C. Conrad
Court Administrator
East Los Angeles Municipal
Court District

Ms. Tamara C. Dahn
Attorney at Law
Auburn

Mr. Rene Davidson
Alameda County Clerk

Prof. Jack H. Friedenthal
Professor of Law
Stanford University

Ms. Marian McClure Johnston
Deputy Attorney General
Sacramento

Prof. Sheila James Kuehl
Associate Professor of Law
Loyola Law School

Ms. Andrea Sheridan Ordin
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Mr. Herbert M. Rosenthal
Executive Director
State Bar of California

Ms. Marjorie Swartz
Attorney at Law, Sacramento

Ms. Patricia Ann Shiu
Attorney at Law, San Francisco

Mr. Frank Zolin
County Clerk/Executive Officer
Los Angeles Superior Court

Dr. Norma J. Wikler, Advisor
Associate Professor of Sociology
University of California-Santa Cruz

CHAPTER 10

FAMILY LAW AND THE JUDICIAL COUNCIL

For nearly two decades, the Judicial Council has been involved in the implementation of pioneering laws governing areas of social concern, such as families, domestic violence and harassment. California's adoption of "no fault" divorce in 1969 was the harbinger of the council's broadened role. Since then, the council has assisted many historic transitions under the authority given it by Civil Code section 4001 of the Family Law Act:

> Notwithstanding any other provision of law, the Judicial Council may provide by rule for the practice and procedure under [the Family Law Act].

Legislation directs the Judicial Council to implement a number of complex areas of the law, but only in family law has it been given the express authority to override statutes. Several significant laws enacted during the past decade are explicitly to be implemented by forms and instructions adopted by the Judicial Council. The history of this development is noteworthy.

When the Family Law Act was signed in September 1969, to become effective January 1, 1970, neither courts nor attorneys were prepared to use the new laws since books with the text of the new law would not be available until March.

Furthermore, long-standing habits would have to be unlearned. No longer would evidence of "extreme cruelty" be admissible; evidence of misconduct would be admissible only when relevant to contested child custody. The grounds for the divorce (renamed "dissolution") would be "irreconcilable differences" or "incurable insanity." Since no one was at fault, there would not be a plaintiff and defendant; there would be a petitioner and a respondent.

The transition was eased with the adoption by the Judicial Council of mandatory family law forms as rules of court in all family law proceedings, effective January 1, 1970. In addition, the council adopted an extensive set of procedural rules for use during the transition period and under the new law.

Classes for attorneys introduced the rules and the new forms, whose check boxes outlined the alternatives of the new law. For attorneys, checking boxes saved both research and preparation time. Non-attorneys could get their own dissolutions. After initial complaints, lawyers learned to like forms. A Judicial Council Advisory Committee on Legal Forms, half of which comprised lawyers nominated by the State Bar, was established to recommend future forms.

Moreover, the Legislature discovered that some family law problems could be alleviated by passing a law, especially if the Judicial Council were directed to adopt forms and instructions for implementing the law.

Legislative Mandates

The Legislature's first explicit mandate for Judicial Council forms came with the enactment of the Summary Dissolution Procedure (Civ. Code, § 4550 et seq.). Signed by the Governor late in the 1978 session, this act required the Judicial Council to adopt forms and instructions in both English and Spanish by January 1979. Necessary forms and 23-page instructional brochures were prepared on time. Since then, all new legislation requiring extensive forms has had, at the request of the Administrative Office of the Courts, a deferred effective date to provide time for development of forms and instructions.

Civil Code section 527.6, Civil Harassment Injunctions, was adopted in 1978 but reenacted in 1979 with a deferred effective date of July 1, 1980, to give the Judicial Council time to "promulgate forms and instructions therefore...." The forms were to be simple and concise. After the forms were available, the law became a convenient dissolution for non-marital households and solved a number of landlord-tenant disputes and other problems.

The Domestic Violence Prevention Act was adopted in 1979 with a deferred effective date of July 1, 1980. To develop these forms and instructions, staff worked closely with organizations of domestic violence victims, who continue to provide input regarding desirable changes.

Mediation and Conciliation Services

In March of 1980, legislation mandating mediation of child custody disputes became effective. This legislation, Civil Code section 4607, required all superior courts to provide mediation services where custody or visitation was contested. The qualifications of mediators and parameters of services were specified, but counties were allowed to provide mediation services in a variety of ways. Most counties provide the services through existing Family Conciliation Courts or Family Court Services. Some counties provide services through another agency designated by the court or through contract arrangements with private service providers.

When the California chapter of the Association of Family and Conciliation Courts (AFCC) sought the evaluation of past family laws and the coordination and provision of services to these county Family Court Services, it approached the Judicial Council, which was already conducting training for judges and other court-related personnel. The result was the enactment of Civil Code sections 5180-5183 (1984), which charged the Judicial Council with the task of statewide coordination of family mediation and conciliation services.

Family Court Services

Program and administrative responsibility for the statewide coordination function is now assigned to the Family Court Services unit of the Administrative Office of the Courts. Statewide coordination, as set out in sections 5180-5183, includes coordination of the application of the recent family laws, especially those on custody and mediation; the establishment of uniform statistical reporting on family law matters; ongoing training for personnel involved in the expanded family law system; evaluation of the effectiveness of current law in order to shape future public policy presumably based on research evaluation; the administration of grants for research, study, and demonstration projects in family law, including new alternative dispute resolution techniques; the establishment of criteria for adequate child support; the development of methods to insure that a child support order is paid; and the establishment of an advisory committee for purposes of establishing grant criteria.

Current program activities include a statewide needs assessment study for county Family Court Services, including identifying needs for research, statistical reporting, management, planning, training and education and pressing issues; video educational programs and equipment for each family court; the preparation of a legal desk reference for Family Court Services personnel; a statewide directory; pretests of the statistical reporting procedures; the development and administration of training programs; the establishment of a counselor exchange program; and the establishment of a permanent advisory committee.

Child Support

An increasingly significant issue in family law is child support. The council's substantial role, of course, stems from its involvement in family law generally.

Several significant events have increased the importance of this issue.

First, Congress passed the Child Support Improvement Act of 1984 that provided for an increased effort on the part of district attorneys to collect child support, including "expedited processes" for the creation and enforcement of child support obligations. Federal regulations provided that expedited processes meant a judge could not handle the initial determination of child support.

In cooperation with the California Family Support Council, a statewide organization of government attorneys and personnel handling establishment and enforcement of child support cases, the Administrative Office of the Courts helped develop legislation to apply to counties required to use expedited processes. This legislation enacted Code of Civil Procedure

section 640.1 to provide for the initial hearing of district attorney child support matters by a commissioner or referee with review by a judge. Strict time limits assure timely processing of the cases.

Also in 1984, the Legislature passed the Agnos Child Support Standards Act of 1984 (Stats. 1984, ch. 1605, found at Civ. Code, §§ 4720-4732). This act requires that a minimum amount of child support be awarded in each case, depending on the income of the parties, with a lesser amount to be awarded only upon a statement of reasons by the judge. The council was directed not only to develop the forms for implementing the act but also to "publish informational material describing [the act] and its implementation." Since the amount of support depends partly on AFDC payment amounts, these materials are amended annually to incorporate new amounts.

Both the state and federal acts require that courts use discretionary child support schedules to establish awards above the mandatory minimum amount. The council was directed to adopt a discretionary schedule to be used by those counties that have not established their own schedules; this schedule is Division VI of the Appendix to the California Rules of Court. A booklet containing information about the discretionary schedule and tables for use in computing the amount of child support was distributed to the courts.

Senate Task Force on Family Equity

As noted, during the past decade the Legislature has been very active in the family law area. The 1985 publication of *The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America* by Lenore Weitzman, an associate professor of sociology at Stanford and Harvard, discussed research that disclosed a serious post-dissolution deterioration in the economic status of women and the children in their custody, accompanied by a noticeable rise in the standard of living of the father.

Responding to the book, a Senate Task Force on Family Equity was created in 1986. Legislative measures embodying the recommendations of the task force (and of Weitzman, who was a task force member) were introduced in the 1987 session, three of them winning legislative approval, with the others put over for further action during the 1988 legislative session.

Adding to the impact of the Task Force Report was a report issued by an advisory panel convened by Senator Alan Robbins. The report, with 15 recommendations, entitled the Child Oriented Divorce Act of 1987, has been circulated for comment prior to the introduction of legislation based on its recommendations in 1988. Its recommendations generally relate to improvement of family court service practices in California, and suggest a number of projects to be undertaken by the Judicial Council as part of its family court services coordination program.

Recognizing intense legislative interest in matters relating to the family, the Judicial Council recommended, and the Chief Justice appointed, an Advisory Committee on Family Law in November 1987. The committee will advise the Judicial Council on its duties under the Family Law Act, and will help the council develop proposals to enable the family law courts to improve their methods of handling cases involving families. A dialogue between the courts, family court service workers, families, family law attorneys and legislators is well under way.

Advisory Committee on Family Law

Hon. William P. Hogoboom, Chair
General Counsel
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Hon. Rodney Davis
Judge, Superior Court,
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Hon. Melinda A. Johnson
Judge, Superior Court,
Ventura County

Hon. Anthony C. Joseph
Judge, Superior Court,
San Diego County

Hon. Billy G. Mills
Judge, Superior Court,
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Hon. Rex H. Sater
Judge, Superior Court,
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Hon. Beverly Bloch Savitt
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Hon. James W. Stewart
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CHAPTER 11

WEIGHTED CASELOAD STUDIES

During 1987, the Judicial Council took several actions related to the weighted caseload/judgeship needs system.

First, after reviewing assumptions inherent in the current process and some alternative approaches developed by other states, the council directed staff to conduct an in-depth methodology study starting in 1988 to identify a more sensitive means of assessing the need for judgeships throughout the state.

A preliminary step was a survey of the Senate and Assembly Judiciary Committees and their staffs to elicit concerns about the current system and suggestions for improving it. A similar survey of presiding judges, court administrators/executive officers and clerks is also planned.

Along with the survey, the council initiated the development of profiles of each court in the state to identify significant characteristics of each one. The profiles would be available in conjunction with weighted caseload (WCL) information to assess the need for judgeships as well as to provide more comprehensive management information for use by trial courts, legislators and the Administrative Office of the Courts (AOC). A project committee of judges, administrators, and legislative staff was established late in the year to develop the conceptual model of a court profile.

In another action, the Judicial Council requested staff to study alternatives and make recommendations on a method to determine the pro-rata block grants for part-time justice courts under the Trial Court Funding Act.

The majority of justice courts are part-time. Workload equivalencies, however, range from .03 to 1.71. Because municipal and justice court jurisdictions are identical, municipal court WCL study results have been used in the past to estimate the full-time equivalency of the part-time courts. Concern was expressed that operational requirements may be different between the two courts. All justice court judges were surveyed regarding this question and requested to identify and quantify perceived differences.

As a result, an approach was developed and proposed that would continue to use WCL to assess the workload level, but would also provide several adjustments in applying those results to the issue of trial court funding:

First, justice court computations in the past reported workload equivalency to two decimal places (hundredths); the recommended formula would establish workload levels in increments of only one decimal place (tenths).

Second, a threshold equivalency would be established recognizing that a certain minimum amount of judicial time is required to operate the smallest courts.

Lastly, equivalency computations that are not a full tenth would be increased to the next higher category to avoid an adverse impact resulting from the reduction in number of categories.

Results of the survey and staff recommendations will be presented to the Judicial Council for action in 1988 and will be distributed for comment shortly thereafter.

In another action, the Judicial Council considered the impact of a change made to the calculation formula during the 1984 superior court study. That study averaged each court's reported time, rather than averaging each participating judicial officer's time, as was done in the past.

In preparing judgeship needs studies for superior courts in 1987, it was observed that the calculated number of judges needed was unrealistically high in the larger courts. Analysis revealed that this disparity was indeed due to the change in calculation methods. Basically, by averaging each court's time rather than each participant's time, the resultant time requirements (case weights) were higher in the high-volume case categories. Thus, the larger the court, the greater the observable discrepancy in judgeship need assessments.

Based on these findings, staff recommended that, as an interim measure pending completion of the methodology study, the Judicial Council consider using the prior computation method both for the current superior court weights as well as to complete the pending municipal court study which was held during the preceding year. The council directed staff to use the prior approach to complete the municipal court study and took under consideration, until its February 1988 meeting, the recommendation to change the current superior court weights.

A comparison of the case weights for superior courts using the two methods is shown below:

Case Category	*1984 Approved Weights*	*Computed Weights Based on Prior Method*
Criminal	287	236
Juvenile Delinquency	58	67
Juvenile Dependency	88	67
Probate & Guardianship	35	36
Family Law	61	52
Personal Injury, Death & Property Damage	81	67
Eminent Domain	120	171
Other Civil Complaints	117	112
Other Civil Petitions	13	12
Appeals	49	51

Evaluation of WCL Continues

Major efforts during 1988 will be directed toward a methodology study to examine alternative approaches to the current WCL process. Many conceptual and technical alternatives exist that warrant consideration for use in California, some of which are addressed below.

Because case weights and judge-year values are based on averages, they have been criticized in the past for being potentially unrepresentative of need in an individual court. By the very nature of an average, some individuals can be expected to be imprecisely represented by computed results: some will be faster, some slower, than the average time.

Although use of statewide averages based on study experience has proved to be a more accurate predictor of statewide need than application of other simpler indicators (e.g., population, raw filings, and contested dispositions), the current process was not designed to address or evaluate individual need based on court-specific criteria.

Another criticism of the WCL method is that it institutionalizes what is, rather than establishing what should be. Conceptually, case processing times might therefore be faster than what would be desirable in the interests of justice. Alternatively, judge-year values may be lower than required for operational accountability. The approach is said to be deficient, since too many or too few judgeships could be authorized based on the averages reported during the study.

Absent other specific policy determinations, the California model currently assumes that the average times reported, and subsequently adopted, will represent the mean of actual experience and thus provide sufficient accuracy for use in most cases.

Instead, some states incorporate established standards, either within the WCL formula or as separate measures, to assess the need for judgeships. For example, court administration, sick leave, or judicial education time allowances are set by policy, as is done now for vacation time. This approach establishes policy norms and reduces some of the changes in judge-year value that presently occur between studies.

Other states specify an acceptable caseload level per judge against which to test the need for new positions. Each of these approaches warrants further investigation.

A long-standing debate also exists on the best way to account for the larger courts' workload and the resulting statewide statistical implications in determining averages. Los Angeles Superior Court accounts for more than 30 percent of the total work and judicial time of all superior courts. Until the 1984 study, separate case weights were established for Los Angeles Superior and Municipal Courts. The Advisory Committee to Review the Weighted Caseload System in 1982 recommended, and the Judicial Council then adopted, a single, statewide set of weights policy.

A similar question is often posed by the Legislature and by smaller courts about perceived economies available to larger courts, and to a more limited degree, about regional differences in court operations and experiences.

Best Available Demand Measurement

Since 1966 California has used a weighted caseload (WCL) approach to assess the need for new judgeships. The process was originally developed at the request of the Legislature to provide comparative and more objective information for use in considering judgeship needs bills.

Although periodic changes have been made to the methodology, the basic process has entailed the determination of relative time requirements (case weights) for each major type of case filing and a judge-year value representing the average amount of time a judge has available to handle case-related matters.

These weights and values are determined through periodic time studies held for two-month periods in the superior and municipal courts. Average times are computed from time reports submitted by the participating judicial officers themselves. WCL studies thus provide a picture of actual experience for one-sixth of a year in each court level.

Almost all states use filings as a prime indicator of judgeship requirements. Literature in the field of court administration often cites weighted filings as the best available measurement of demand for services. By weighting the filings, time and complexity differences inherent in case types are recognized and accounted for and the results provide clearer, more sensitive comparative data to measure demand in and between courts.

Case weights are defined as the average amount of time required to handle cases of a certain type. The basic formula divides the time reported by the number of dispositions occurring during the study period. Case time, reported in the same categories used for monthly statistical reports, includes time spent on any activity directly related to a case (e.g., probation revocation or supervision, hearings, research, etc.). Times for each case type are computed separately.

To account for judicial time required for non-case-related duties (court administration, civic activities, general research, and travel between court branches), a descriptive component—justice system support value—was added to the WCL formula during the 1984 superior court study. Non-case-related time as a percentage of case-related time is added both to the time required to handle a court's workload (total weighted units) and to the average time available (judge-year value).

The judge-year values for each court level are computed by multiplying the available days per year by the average minutes per day reported. Days/year are determined by subtracting weekends, holidays and vacation (as allowed), as well as sick leave and training or judicial conference time (as computed from study data) from a calendar year of 365 days. An average for the case-related minutes per day is computed from the study data and then multiplied by the number of days per year available to arrive at the final judge-year value.

When a court requests a judgeship needs study, or if a judgeship bill is introduced, the court's projected filings are determined and applied to the weighted caseload results. Filings are multiplied by the appropriate case weight to arrive at a court's total weighted units. This reflects the total amount of time expected to be needed to handle the incoming caseload during the projection year. In order to compare the incoming work with the judicial resources needed to handle the work, the total weighted units are then divided by the judge-year value to calculate the anticipated number of judges needed.

Alternative methods of computing a judge-year value exist in other states. Rather than base the value on computed averages, some assume a basic workday of a certain number of hours per day and then determine an expected amount or percentage of time to be available for both case and non-case duties.

Alternatively, some states have made a policy determination on an acceptable caseload per judge for use as a divisor to the weighted filings.

These and other approaches will be studied next year and will be evaluated for applicability in California.

Several technical issues warrant further study as well. In computing case weights, the current methodology adjusts the reported processing time by a disposition-to-filing ratio (D/F). In theory, this is to account for the fact that not all filings reach disposition as reported in monthly statistics to the AOC. However, the ratio may be due to reporting errors, or it may reflect a substantial increase or decrease in filings or in dispositions, indicating a major change within the court environment.

The wisdom of using this factor in the current manner bears further scrutiny. Only one other state uses the D/F ratio in calculating case weights, but several use the ratio separately as an indicator of performance or caseload status.

In reviewing the statistical information available through monthly reports, a number of variables exist that are not currently utilized in the WCL process and which, if correlating, might be applied to produce more accurate judgeship need appraisals: trial rate, uncontested dispositions, etc.

A number of states currently use separate case weights for each disposition type within a case category. This alternative as well bears further analysis for use in California.

Concern has also been expressed about the case categories, which are felt to be too inclusive. Superior court criminal cases now include all felonies. A suggestion has been made to separate capital cases for evaluation as a separate case weight because of their distinctly different time requirements.

Several states employ subjective criteria in the judgeship study process, such as on-site evaluations of new judgeship requests, consideration of several ranked or unranked, but significant, factors or the conducting of hearings.

The "court profiles" project is expected to provide new information about court operating environments that can be evaluated with existing information to develop an improved process for judgeship needs assessments.

That effort is expected to require some time to complete because of both the size of the undertaking and the amount of interest and concern in the subject. Once information is gathered on court variables and alternative approaches, data must be tested for significance and reliability prior to acceptance as an indicator of need.

No state surveyed thus far feels that its own judgeship needs assessment process is perfect. As a result, efforts to develop a new approach are under way in several. Cooperative efforts, therefore, among court personnel both within California and among the states are needed to develop an adequately sensitive, fair and representative system.

CHAPTER 12

REPORT ON

CRIMINAL APPEALS

Complexity and cost of criminal appeals for indigents with court-appointed counsel

Item 0250-001-001, subparagraph 1 of the 1985 Budget Act requires the State Public Defender and Judicial Council to report on the complexity of criminal appeals for indigents represented by the State Public Defender or court-appointed counsel.

This is the third report filed by the Administrative Office of the Courts concerning the complexity and cost of those appeals.[1] The data reported here concerning the complexity of cases handled by private appointed counsel covers 4,114 cases concluded in the Courts of Appeal and the Supreme Court during the last fiscal year, July 1, 1986, through June 30, 1987.

This report includes complexity studies, data on the cost of appointed counsel services, and profiles of the services performed by counsel and specific types of cases.

In addition, the methodology has been adapted to that employed by the State Public Defender.

In 1986-87, there were 4,091 Court of Appeal cases and 23 Supreme Court cases reported, including two death penalty appeals.[2] The total 4,114 cases represent an increase of approximately one-third more cases than in previous studies.

For the cost studies and the case profiles, appeals were grouped according to the major Penal Code section or other statute involved. On the other hand, the complexity studies were performed according to the factors considered most important in determining the difficulty of each case.

1 The first report, filed on December 27, 1985, included 6,047 cases completed during the two-year period of November 1, 1983, through October 31, 1985. The second report, filed on January 15, 1987, included 1,751 cases completed during the six-month period from January 1, 1986, through June 30, 1986.

2 There were only seven death penalty cases decided in 1986-87, due largely to the interruption of the judicial retention election in November 1986 and the seating of new justices. Only two complete data forms were received for these automatic appeals.

To give a better basis of comparison to data obtained by the State Public Defender, the courts instructed appointed counsel to use uniform measurements for key factors, including the length of the trial record, briefs and petitions.

In addition, the complexity studies use the same incremental ranges of record length as the State Public Defender. Of course, the length of the records in the more serious cases handled by the State Public Defender tends to be substantially greater than in most cases to which counsel are appointed.

The figures below represent averages for cases reported in the Courts of Appeal during 1986-87, compared, with the cases reported in the previous six-month period.

	1986-87 Study (4,091 cases)	*1986 Study (1,743 cases)*
Average hours claimed	42.25	39.59
Average hours approved	38.27	34.86
Average expenses claimed	$82.55	$75.76
Average expenses approved	$77.06	$67.04
Average compensation claimed	$2,172.51	$2,006.13
Average compensation approved	$1,974.41	$1,772.51

For the reported cases on review in the Supreme Court the averages were:

	1986-87 Study (21 cases)	*1986 Study (6 cases)*
Average hours claimed	39.05	47.33
Average hours approved	37.66	47.26
Average expenses claimed	$138.67	$221.33
Average expenses approved	$128.11	$218.52
Average compensation claimed	$2,198.57	$2,585.08
Average compensation approved	$2,120.87	$2,581.44

Averages for the two death penalty cases included in the present study compared with those for the two cases in the January 1987 study are as follows:

	1986-87 Study (2 cases)	*1986 Study (2 cases)*
Average hours claimed	1,191.38	857.41
Average hours approved	1,183.35	819.41
Average expenses claimed	$6,904.41	$4,174.97
Average expenses approved	$6,493.93	$2,179.14
Average compensation claimed	$62,944.41	$50,200.82
Average compensation approved	$61,977.85	$46,351.34

Specific findings according to the statutes involved are set forth, respectively, in Tables 1-A, 1-B and 1-C.

Case Profiles

This study is designed to illustrate the services that generally are performed in different types of cases. It also is structured according to the major statute involved in the appeal.

For the 4,091 included cases for the Courts of Appeal, the average case shows the following profile:

Record length (pages)	590
Hours to review record	7.55
Number of motions	1
Number of pages of motions	3
Number of hours for motions	1.03
Number of briefs	1
Number of pages of briefs	19
Number of hours for briefs	15.37
Number of petitions	0
Number of pages of petitions	3
Number of hours for petitions	1.85
Number of hours for oral argument	0.86

Specific findings are set forth in Table 2-A.

The average profile for cases on review in the Supreme Court was:

Record length (pages)	467
Hours to review record	2.74[3]
Number of motions	0
Number of pages of motions	6
Number of hours for motions	1.88
Number of briefs	1
Number of pages of briefs	11
Number of hours for briefs	19.19
Number of petitions	1
Number of pages of petitions	6
Number of hours for petitions	4.11
Number of hours for oral argument	4.00

Specific findings are shown in Table 2-B.

Table 2-C shows the average profile for the two reported death penalty appeals.

Complexity Studies

The complexity studies were introduced in the January 1987 report. Experienced appellate attorneys who represent indigents in criminal cases were asked to identify the most important factors in determining the complexity of an appeal. They chose the length of the record, the length of the sentence, the number of pages of briefs and the number of pages of petitions. These factors were selected over others for two reasons.

First, a sufficient basis was needed to compare the complexity of cases handled by private appointed counsel with those handled by the Office of the State Public Defender. More than four factors probably would dilute the data base of common characteristics to a level where few cases could be compared.

3 Since counsel generally has read the record for the Court of Appeal proceedings, the average time for record review is less for cases on review in the Supreme Court.

Second, some of the factors reflect others. For example, the length of the record reflects the number of days of trial and, to some extent, the number of counts of conviction. Similarly, the length of the briefs generally gives some idea of the number and complexity of the issues involved.

There are three tables involved. Table 3-A is for the Courts of Appeal and Tables 3-B and 3-C for the Supreme Court. Each table shows all possible combinations of the four factors involved as well as the number of cases for each combination, the percentage that the number of cases bears to the total cases in the study, the average compensation awarded for the cases fitting each combination of factors, the minimum compensation awarded, and the maximum compensation awarded.

Table 3-B shows cases on review only, while Table 3-C includes only death penalty appeals.

The following tables report data on cases handled by private appointed counsel according to cost, services, and complexity. When the complexity studies are compared with those conducted by the Office of the State Public Defender for similar cases, the results should indicate the level of complexity of the cases handled by each and the cost for representation in those cases.

Reviewing Future Reporting Requirements

This is the third report prepared by the Administrative Office of the Courts concerning the complexity and cost of criminal appeals handled by court-appointed counsel. The Judicial Council respectfully submits that this should be the last such report.

The purpose of these reports is to give the Legislature a basis for comparing the complexity and cost of cases assigned to appointed counsel with those handled by the State Public Defender. To date, however, the State Public Defender has not been able to report any comparable information on the complexity of its case load other than that it is handling matters substantially more serious than the majority assigned to appointed counsel.

A second problem is that it is impossible for the Judicial Council and the State Public Defender to collect data with the same degree of accuracy. Although every attempt has been made to use the same categories of data, the State Public Defender is in a far better position to collect data in a uniform manner from its deputies than is the Judicial Council, which must deal with independent attorneys throughout the state. As a result, there is no uniformity in the way data forms are completed.

As a result, a number of forms must be discarded, leaving the remainder as representative, but not really complete for comparison with State Public Defender data. The Judicial Council and the State Public Defender have worked hard to avoid an apple and orange comparison, but the necessary methodology precludes the precision apparently desired by the Legislature.

The last consideration is the significant time and expense involved in preparing these reports. Each requires approximately 18 weeks of personnel time for the Administrative Office of the Courts. This includes eight weeks for Accounting personnel to prepare the data forms for data entry by an outside contractor and to check the resulting data tapes for errors. Six weeks is required from the Data Processing unit of the Administrative Office of the Courts for designing a program for the data and producing the data reports. The remaining four weeks involve the Legal unit, which coordinates preparation of the report, converts code sections into legal descriptions, and drafts the report narrative. Additional expense is incurred for the data entry contractor and a law student, who helps with editing.

The time factor must be viewed in more than absolute terms. Preparation of these reports has diverted valuable time from other Judicial Council priorities, a number of which are in furtherance of legislative goals. For example, the highest priority of the current Judicial Council is implementation of Assembly Bill No. 3300 (Stats. 1986, ch. 1335), the Trial Court Delay Reduction Act. Another priority has been implementation of Trial Court Funding under Senate Bill No. 709 (Stats. 1987, ch. 1211).

These projects and others for which the Legislature regularly requires Judicial Council action appear far more deserving of the substantial time involved than does the continuation of the complexity and cost reports.

For these reasons, the Judicial Council respectfully requests that the requirements of Item 0250-001-001, subparagraph 1 of the 1985 Budget Act be rescinded.

Description of Studies of Case Complexity Factors

After discussions with experienced appellate attorneys who represent indigent defendants in criminal cases, the Administrative Office of the Courts determined the most important factors in the complexity of an appeal to be the length of the record, the length of the sentence, the number of pages of briefs and the number of pages of petitions. These factors then were divided into ranges of difficulty, again with the assistance of experienced counsel. These factors were then discussed with the State Public Defend-er and adjusted to be as consistent as possible with the categories of data gathered by the State Public Defender. The pertinent factors are:

A. *Length of the record (in pages)*
1. Under 300
2. 300-799
3. 800-1499
4. 1500-1999
5. 2000-2999
6. 3000-3999
7. 4000-4999
8. 5000-5999
9. 6000-6999
10. 7000-7999
11. 8000-8999
12. 9000-9999
13. 10,000-10,999
14. 11,000-11,999
15. 12,000-12,999
16. 13,000-16,999
17. 17,000-20,999
18. 21,000+

B *Length of the sentence (in years)*
1. Probation-5
2. 5-15
3. 15-life
4. Life without possibility of parole (LWOP)
5. Death penalty (Supreme Court only)

C. *Number of pages of briefs*
1. Under 20
2. 20-30
3. 30-40
4. Over 40

D. *Number of pages of petitions*
1. Under 10
2. 10-20
3. 20-30
4. Over 30

The four factors then were used in all possible combinations, according to the ranges selected, to yield the following information from the data base:

1. *Number of cases in the sample fitting each combination of factors*
This shows how many cases have been handled by appointed counsel for each combination of factors. If there is a significant number, the cases fitting each combination may be compared to a significant number of cases with the same combination of factors handled by the Office of the State Public Defender.

2. *The percentage the number of cases bears to the total sample*
For example, the first entry in Table 3-A shows that 16.21 percent of the cases handled by appointed counsel in the study period had the most basic combination of the four complexity factors.

3. *Average compensation awarded*
This figure may be compared to the cost of representation by the Office of the State Public Defender to provide representation in cases with a similar combination of factors.

4. *Minimum and maximum compensation*
These factors, stated separately, show the range of the cost of representation for each combination of complexity factors.

TABLE 1-A
Page 1

Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number Of Cases	Average Hours Claimed	Average Hours Approved	Average Expense Claimed	Average Expense Approved	Average Compensation Claimed	Average Compensation Approved
CC232 (Freedom of child from parental custody)	79	46.83	40.67	$87.79	$78.88	$2,402.48	$2,099.03
Corp. Code 25110 (Selling securities without permit)	7	77.57	75.52	$94.04	$93.95	$3,816.61	$3,714.38
HS11350-53 (Narcotic controlled substance offenses)	255	33.19	29.97	$72.30	$71.93	$1,733.78	$1,581.55
HS11355(A) (Delivery of falsely represented controlled substance-narcotic)	1	10.06	10.60	$11.46	$11.46	$0.00	$541.46
HS11357-61 (Marijuana offenses)	90	37.79	34.20	$56.04	$52.96	$1,884.66	$1,744.27
HS11377-78 HS11379 (Non-narcotic offenses)	78	36.30	32.05	$76.52	$74.76	$1,874.18	$1,675.76
HS11378.5 HS11379.5 HS11383-84 (PCP offenses)	35	31.16	28.95	$63.56	$61.10	$1,621.20	$1,507.94
HS11380 (Non-narcotic offenses)	1	37.00	29.30	$34.00	$34.00	$1,544.00	$1,236.00
HS11390(A) (Cultivation of controlled substances-narcotics)	1	13.70	13.70	$12.10	$12.10	$697.10	$697.10
HS11550(b) (Controlled substances violations)	6	28.70	26.04	$28.34	$28.34	$1,463.76	$1,330.42
HS12303 (Possession of explosives)	1	16.00	16.00	$118.83	$118.83	$918.83	$918.83
IC556 (Submitting false insurance claim)	3	23.73	20.06	$32.43	$32.06	$1,219.10	$1,035.40

TABLE 1-A
Page 2

Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	*Number Of Cases*	*Average Hours Claimed*	*Average Hours Approved*	*Average Expense Claimed*	*Average Expense Approved*	*Average4 Compensation Claimed*	*Average Compensation Approved*
PC32 (Accessory to felony)	11	47.22	37.29	$80.91	$72.71	$2,442.05	$1,937.26
PC68 (Officer asking or receiving bribes)	1	30.03	30.30	$67.80	$67.80	$1,503.80	$1,503.80
PC71 (Threat of injury to officer)	2	49.35	41.85	$236.43	$236.43	$2,703.93	$2,328.93
PC118 (Perjury)	7	80.21	71.60	$132.32	$90.46	$4,068.75	$3,640.61
PC136.1 (Attempting to dissuade person who was victim of crime)	2	25.05	24.70	$9.37	$9.37	$1,261.87	$1,244.37
PC148 (Resisting or obstructing peace officer)	8	27.86	22.87	$108.28	$108.28	$1,501.41	$1,139.47
PC171(b) (Bringing weapons into Courthouse)	1	25.80	25.80	$20.83	$20.83	$1,310.83	$1,310.83
PC182 (Conspiracy)	38	85.19	75.27	$126.89	$126.88	$4,277.14	$3,781.07
PC187 (Murder-unspecified)	227	86.32	77.69	$178.94	$150.59	$4,381.34	$3,948.50
PC187 (Murder-first degree)	78	82.13	78.38	$157.20	$154.56	$4,231.44	$4,045.07
PC187 (Murder second degree)	55	73.49	70.01	$168.28	$141.16	$3,786.99	$3,616.90
PC187/664 (Attempted murder-unspecified)	67	43.54	40.66	$60.78	$59.41	$2,235.89	$2,044.55
PC187/664 (Attempted first degree murder)	2	153.30	121.30	$178.90	$178.90	$7,515.40	$5,993.90
PC187/664 (Attempted second degree murder)	2	57.25	57.25	$115.88	$115.88	$2,978.38	$2,978.38

TABLE 1-A
Page 3

Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number Of Cases	Average Hours Claimed	Average Hours Approved	Average Expense Claimed	Average Expense Approved	Average Compensation Claimed	Average Compensation Approved
PC192 (Manslaughter-unspecified)	26	49.08	44.76	$76.35	$73.00	$2,530.58	$2,311.17
PC192/664 (Attempted vehicular manslaughter)	3	54.03	53.80	$94.60	$94.60	$2,796.27	$2,784.60
PC192.1 (Voluntary manslaughter)	29	55.42	49.27	$94.80	$94.36	$2,934.66	$2,621.57
PC192.1/664 (Attempted voluntary manslaughter)	4	69.77	62.35	$152.47	$152.47	$3,641.22	$3,269.97
PC192.2 (Involuntary manslaughter)	14	60.85	58.07	$84.22	$84.22	$3,125.47	$2,986.54
PC192.3 (Vehicular manslaughter)	24	38.14	36.16	$66.21	$62.52	$1,976.38	$1,868.63
PC192.3/664 (Attempted vehicular manslaughter)	1	75.50	75.50	$68.88	$68.88	$3,843.88	$3,843.88
PC203 (Mayhem)	4	59.07	58.80	$73.88	$73.88	$3,027.01	$3,013.88
PC207-209 (Kidnapping)	72	50.80	47.57	$117.51	$116.34	$2,632.22	$2,492.17
PC211 (Robbery)	508	39.75	36.01	$78.79	$74.97	$2,048.75	$1,852.78
PC211/664 (Attempted Robbery)	22	33.49	29.58	$96.17	$96.14	$1,744.10	$1,552.51
PC220 (Assault with intent to commit mayhem, rape, sodomy, oral copulation)	23	47.55	43.65	$85.29	$85.27	$2,456.59	$2,261.79
PC228 (Duels)	1	84.20	64.20	$175.81	$125.81	$4,385.81	$3,335.81
PC236/237 (False imprisonment)	12	43.64	43.55	$74.85	$74.85	$2,169.60	$2,165.43
PC240 (Assault)	2	20.70	20.45	$46.43	$46.43	$1,081.43	$1,068.93

TABLE 1-A
Page 4

Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number Of Cases	Average Hours Claimed	Average Hours Approved	Average Expense Claimed	Average Expense Approved	Average Compensation Claimed	Average Compensation Approved
PC242/243 (Battery)	41	36.67	32.73	$82.17	$77.36	$1,914.97	$1,713.41
PC245 (Assault with a deadly weapon)	213	39.62	35.46	$79.65	$76.38	$2,022.06	$1,830.28
PC246 (Prohibited discharge of firearm)	1	34.00	26.00	$30.48	$30.48	$1,730.48	$1,330.48
PC251.2 (Libel and slander)	1	20.40	20.40	$30.75	$30.75	$1,020.75	$1,020.75
PC261 (Rape-unspecified)	14	37.80	34.54	$79.80	$67.85	$1,960.51	$1,785.35
PC261/664 (Attempted rape)	6	36.16	28.80	$132.61	$132.61	$1,940.94	$1,572.61
PC261.2 (Forcible rape)	135	43.22	39.79	$84.30	$74.51	$2,197.82	$2,047.20
PC261.3 PC261.4 PC261.5 (Nonforcible rape)	10	30.73	29.81	$74.72	$74.72	$1,611.22	$1,565.22
PC262 (Spousal rape)	3	56.13	56.13	$177.46	$177.46	$2,984.12	$2,984.12
PC264 (Acting in concert with another to commit rape)	24	74.37	64.03	$116.39	$115.44	$3,539.31	$3,261.38
PC266 (Pimping)	12	46.08	44.66	$138.42	$88.42	$2,392.79	$2,321.54
PC272 (Contributing to delinquency of a minor)	2	51.65	43.35	$76.25	$76.25	$2,658.75	$2,243.75
PC273 (Child abuse)	21	59.20	55.69	$74.65	$74.53	$3,489.65	$2,840.10
PC278 (Child stealing)	4	78.92	78.92	$402.98	$110.48	$3,876.98	$4,031.98
PC285 (Incest)	2	28.05	24.55	$27.08	$27.08	$1,429.58	$1,254.58

TABLE 1-A
Page 5

Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number Of Cases	Average Hours Claimed	Average Hours Approved	Average Expense Claimed	Average Expense Approved	Average Compensation Claimed	Average Compensation Approved
PC286 (Sodomy)	12	54.95	50.44	$107.16	$107.16	$2,854.41	$2,629.20
PC288 (Lewd & lascivious acts with child under 14)	21	36.60	32.82	$51.47	$50.25	$1,880.02	$1,689.75
PC288a (Oral copulation)	263	42.36	37.79	$79.67	$75.15	$2,194.31	$1,945.96
PC288a/664 (Oral copulation-attempted)	1	31.20	31.20	$141.28	$141.28	$1,701.28	$1,701.28
PC288b (Oral copulation-acting in concert with another person)	21	46.40	44.80	$62.83	$62.93	$2,382.95	$2,303.28
PC289a (Anal or genital penetration with foreign object)	16	45.10	44.11	$63.46	$63.46	$2,318.45	$2,268.92
PC314 (Indecent exposure)	4	17.15	17.15	$41.98	$43.48	$899.48	$900.98
PC347 (Mixing harmful/poisonous substances with food, drink, and medication)	1	31.70	31.70	$78.75	$78.75	$1,663.75	$1,663.75
PC381 (Illegal possession of toluene)	1	19.00	19.00	$27.00	$27.00	$977.00	$977.00
PC415 (Fighting in public)	1	20.90	20.90	$64.89	$64.89	$1,109.89	$1,109.89
PC417 (Brandishing weapon)	8	20.93	20.18	$56.72	$56.72	$1,103.60	$1,066.10
PC451 PC452 PC453 (Arson)	28	37.98	34.33	$53.96	$53.17	$1,952.97	$1,769.96
PC455 (Attempted arson)	1	66.00	56.50	$81.13	$81.13	$3,381.13	$2,906.13

TABLE 1-A
Page 6

Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	*Number Of Cases*	*Average Hours Claimed*	*Average Hours Approved*	*Average Expense Claimed*	*Average Expense Approved*	*Average Compensation Claimed*	*Average Compensation Approved*
PC459 (Burglary-unspecified)	358	33.55	30.39	$63.35	$59.34	$1,721.98	$1,563.47
PC459 (Burglary-first degree)	136	31.88	29.50	$55.77	$55.13	$1,648.27	$1,528.37
PC459 (Burglary - second degree)	35	30.97	27.43	$55.57	$50.37	$1,604.36	$1,404.49
PC459/664 (Attempted burglary-unspecified)	7	66.58	49.45	$83.99	$83.99	$2,881.20	$2,106.84
PC459/664 (Attempted burglary-first degree)	2	17.60	16.75	$24.97	$24.97	$904.97	$862.47
PC459/664 (Attempted burglary-second degree)	1	24.60	24.60	$83.99	$83.99	$1,313.99	$1,313.99
PC464 (Safe explosive offenses)	1	27.90	26.90	$65.57	$65.57	$1,460.57	$1,410.57
PC469 (Unauthorized making, duplicating or possession of key to public building)	1	68.50	68.50	$310.30	$310.30	$3,735.30	$3,735.30
PC470 PC475 PC476 (Forgery, and passing, possessing or making forged instruments)	46	23.00	20.56	$37.34	$33.29	$1,187.51	$1,061.55
PC484 (Larceny)	25	38.72	31.64	$121.78	$111.00	$2,057.86	$1,693.40
PC487 PC489 VC10851 (Grand theft and grand theft auto)	127	31.35	28.09	$60.44	$60.43	$1,614.81	$1,459.44
PC487/664	1	22.20	22.20	$54.81	$54.81	$1,164.81	$1,164.81

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Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	*Number Of Cases*	*Average Hours Claimed*	*Average Hours Approved*	*Average Expense Claimed*	*Average Expense Approved*	*Average Compensation Claimed*	*Average Compensation Approved*
PC488 (Petty theft)	3	31.73	27.60	$58.83	$58.83	$1,645.49	$1,438.83
PC496 (Receiving stolen property)	99	32.57	30.69	$54.63	$53.27	$1,680.27	$1,579.91
PC496/664 (Receiving stolen property-attempted)	2	18.30	16.35	$31.34	$31.34	$946.34	$848.84
PC499a (Theft of electricity)	1	21.50	21.50	$54.93	$54.93	$1,129.93	$1,129.93
PC502(b)(d) (Computer extortion and fraud)	1	20.90	20.90	$14.25	$14.25	$1,059.25	$1,059.25
PC504 PC508 PC510 (Embezzlement)	2	54.67	54.67	$192.48	$192.48	$2,926.23	$2,926.23
PC518 (Extortion)	2	39.50	30.90	$45.75	$45.75	$2,020.75	$1,590.75
PC532a (False financial statement)	2	38.25	38.25	$89.35	$89.35	$2,001.85	$2,001.85
PC555 (Unlawful entry upon posted prosperity)	1	76.10	65.00	$175.59	$175.59	$3,980.59	$3,425.59
PC594 (Vandalism)	7	22.18	22.12	$58.67	$47.52	$1,167.95	$1,153.95
PC597 (Killing, maiming, abusing animals)	1	38.90	38.90	$137.56	$138.00	$2,082.56	$2,083.00
PC602 (Trespasses constituting misdemeanor)	2	15.37	15.10	$46.95	$46.95	$815.70	$801.95
PC626.8 (Illegal access on school grounds)	2	12.25	11.65	$11.56	$11.56	$624.06	$594.06

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Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number Of Cases	Average Hours Claimed	Average Hours Approved	Average Expense Claimed	Average Expense Approved	Average Compensation Claimed	Average Compensation Approved
PC647 (Disorderly conduct)	11	35.82	34.88	$60.86	$60.74	$1,852.22	$1,804.83
PC653f (Solicitation to commit a felony)	6	50.14	46.65	$31.73	$31.73	$2,539.14	$2,364.23
PC639 (Mailing/forwarding criminal letters)	1	57.50	45.00	$385.00	$285.00	$3,260.00	$2,535.00
PC666 (Conviction for petty theft after prior for theft, burglary, robbery)	26	29.83	26.60	$41.77	$41.77	$1,533.26	$1,372.21
PC821.1 (Taking accused before magistrate, felony arrest out of county)	1	25.40	25.40	$34.00	$34.00	$1,304.00	$1,304.00
PC1026 (Restoration of sanity hearing)	12	39.37	35.59	$59.02	$59.02	$1,992.77	$1,806.43
PC1203 (Probation Provisions)	5	22.70	21.00	$46.49	$46.59	$1,158.29	$1,073.39
PC1320(b) (Failure to appear)	3	9.86	9.70	$26.34	$26.34	$519.67	$511.34
PC4501 (Assault and/or battery by an inmate)	10	39.15	34.41	$59.45	$59.45	$2,016.95	$1,779.95
PC4502 (Possession of a concealed weapon by an inmate)	8	33.45	32.55	$120.53	$107.78	$1,782.93	$1,735.03
PC4530 PC4532 (Escape)	16	28.50	26.27	$70.53	$67.36	$1,490.97	$1,376.39
PC4573 (Smuggling narcotics or liquor into prison)	9	31.02	28.20	$58.29	$56.30	$1,584.84	$1,441.75

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Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	*Number Of Cases*	*Average Hours Claimed*	*Average Hours Approved*	*Average Expense Claimed*	*Average Expense Approved*	*Average Compensation Claimed*	*Average Compensation Approved*
PC4574 (Smuggling firearms, deadly weapons or explosives into prison)	2	26.45	26.45	$9.90	$9.90	$1,332.40	$1,332.40
PC12020-22 PC12025 PC12031 PC12303 PC12560 (Manufacture importation, sale, possession of deadly weapon)	45	36.08	33.18	$83.09	$68.66	$2,021.91	$1,909.46
PC12026.5(b) (Possession of concealed weapon)	1	4.50	4.50	$41.00	$41.00	$266.00	$266.00
VC10852 (Tampering with vehicle parts)	2	24.30	24.30	$69.28	$69.28	$1,284.28	$1,284.28
VC14601.1 (Driving while privilege suspended)	1	72.70	64.30	$49.93	$49.93	$3,684.93	$3,264.93
VC20001 (Hit and run)	7	54.78	30.17	$160.46	$146.17	$1,323.32	$1,599.17
VC23101 VC23152 VC23153 (DUI)	32	30.58	27.44	$70.82	$63.59	$1,599.35	$1,435.77
WI300 (Dependency action-judgment that person under 18 be dependent of court)	139	30.48	27.04	$68.09	$64.24	$1,593.05	$1,408.38
WI356 (Dependent children; findings, orders)	1	24.00	24.00	$59.50	$59.50	$1,259.50	$1,259.50
WI366 (Status review of dependent child in foster care)	8	33.70	32.46	$59.89	$59.89	$1,744.89	$1,683.01

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Court-Appointed Counsel
Courts of Appeal
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	*Number Of Cases*	*Average Hours Claimed*	*Average Hours Approved*	*Average Expense Claimed*	*Average Expense Approved*	*Average Compensation Claimed*	*Average Compensation Approved*
WI387 (Removal of minor from physical custody of parent, guardian, relative or friend)	10	21.32	20.85	$28.98	$28.98	$1,094.98	$974.58
WI602 (Jurisdiction to adjudicate ward of court status - criminal behavior)	61	29.15	24.87	$68.26	$61.14	$1,520.90	$1,298.45
WI725(A) (Judgments - minors found to be ward of court; probation)	1	12.80	12.80	$17.73	$17.00	$657.73	$657.00
WI871 (Escape from mental institution or juvenile county home/ranch)	2	9.55	7.60	$24.88	$24.88	$502.38	$404.88
WI1736 (Commitment of juvenile offenders)	1	19.40	17.00	$34.97	$34.97	$1,004.97	$884.97
WI1801 (Petition; right to appear to counsel; court determination)	1	34.40	30.00	$205.60	$203.60	$1,925.60	$1,703.60
WI5200 (Court ordered evaluation - mentally disordered persons)	1	9.80	9.80	$24.81	$24.81	$514.81	$514.81
WI5350 WI5362 (Appointment of conservator)	12	35.99	31.21	$73.26	$73.26	$1,872.63	$1,634.30
WI5352 (Appointment of psychiatrist or psychologist)	1	7.10	7.10	$0.00	$0.00	$355.00	$355.00
WI6316 (Mentally disordered sex offenders)	1	37.00	37.00	$46.95	$46.95	$1,896.95	$1,896.95

TABLE 1-B
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Court-Appointed Counsel
Supreme Court
Statistical Summary for Cases on Review
July 1, 1986 Through June 30, 1987
(Total 21 Cases)

Type Of Case	*Number Of Cases*	*Average Hours Claimed*	*Average Hours Approved*	*Average Expense Claimed*	*Average Expense Approved*	*Average Compensation Claimed*	*Average Compensation Approved*
HS11350--53 (Narcotic controlled substance offenses)	2	17.9	17.9	$28.73	$28.73	$923.73	$923.73
PC187 (Murder-unspecified)	1	15.6	15.60	$54.90	$54.90	$834.90	$834.90
PC187 (Murder-first degree)	1	25.8	24.8	$5.28	$5.28	$1,811.28	$1,741.28
PC192.2 (Involuntary manslaughter)	1	76.25	76.25	$396.08	$396.08	$4,208.58	$4,208.58
PC211 (Robbery)	3	8.63	8.63	$30.72	$30.72	$462.39	$462.39
PC245(a) (Assault with a deadly weapon)	2	12.75	12.75	$37.81	$37.81	$675.31	$675.31
PC245(b) (Assault with a deadly weapon on police officer)	1	42.00	42.00	$321.36	$321.36	$2,471.36	$2,471.36
PC261(2) (Forcible rape)	2	24.13	24.13	$174.97	$174.97	$1,381.22	$1,381.22
PC288(a) (Oral copulation)	2	107.87	107.35	$184.79	$161.84	$6,420.75	$6,407.84
PC459 (Burglary-unspecified)	1	94.00	94.00	$506.49	$482.20	$5,206.49	$5,182.20
PC459 (Burglary-first degree)	3	43.57	43.57	$120.14	$120.14	$2,298.47	$2,298.47
PC459 (Burglary-second degree)	1	31.6	4.4	$207.85	$56.14	$1,787.85	$276.14
XX000	1	53.00	53.00	$115.00	$115.00	$2,765.00	$2,765.00

TABLE 1-C
Page 1

Court-Appointed Counsel
Supreme Court
Statistical Summary for Automatic Appeal
July 1, 1986 Through June 30, 1987
(Total 2 Cases)

Type Of Case	*Number Of Cases*	*Total Hours Claimed*	*Total Hours Approved*	*Total Expense Claimed*	*Total Expense Approved*	*Total Compensation Claimed*	*Total Compensation Approved*
PC187 (Murder-first degree)	1	1009.25	1019.25	$6,892.09	$6,411.49	$55,722.09	$55,721.49
PC187 (Murder-first degree)	1	1373.50	1347.45	$6,916.72	$6,576.36	$70,166.72	$68,234.21

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
CC232 (Freedom of child from parental custody)	79	472	7.23	1	4	1.64	1	21	16.02	0	3	2.02	1.39
Corp. Code 25110 (Selling securities without permit)	7	2,574	14.28	1	6	1.39	1	19	18.82	0	3	0.85	0.08
HS11350-53 (Narcotic controlled substance offenses)	255	356	4.97	1	3	1.07	1	17	13.41	0	2	1.00	0.69
HS11355(A) (Delivery of falsely represented controlled substance offenses)	1	16	0.06	1	3	0.10	1	5	0.32	0	0	0.00	0.00
HS11357-61 (Marijuana offenses)	90	309	4.91	1	2	0.81	1	19	15.90	0	2	1.19	1.16
HS11377-78 HS11379 (Non-narcotic offenses)	78	333	4.27	1	2	0.73	1	17	14.10	0	4	1.63	1.10
HS11378.5 HS11379.5 HS11383-84 (PCP offenses)	35	418	4.97	1	3	0.65	1	17	10.19	0	2	0.92	0.55
HS11380 (Non-narcotic offenses)	1	163	4.00	0		0.00	2	18	18.00	0	0	2.50	3.00
HS1390(A) (Cultivation of controlled substances (narcotics))	1	728	0.55	0	0	0.00	0	0	0.00	0	0	0.00	0.00
HS11550(b) (Controlled substances violations)	6	186	2.48	1	3	0.23	1	16	4.67	0	0	0.00	0.70
HS12303 (Possession of explosives)	1	276	4.50	1	4	0.50	1	12	8.80	0	0	0.00	0.00
IC556 (Submitting false insurance claim)	3	808	10.00	0	0	0.50	1	3	5.16	0	7	3.50	0.00

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
PC32 (Accessory to felony)	11	611	6.35	1	2	0.60	1	19	17.70	0	0	0.12	1.63
PC68 (Officer asking or receiving bribes)	1	488	0.46	2	5	0.09	1	15	1.71	0	0	0.00	0.43
PC71 (Threat of injury to officer)	2	186	3.57	1	3	2.54	2	21	15.84	0	3	6.00	0.00
PC118 (Perjury)	7	1,714	20.48	2	5	1.78	1	20	28.16	0	0	2.95	2.64
PC136.1 (Attempting to dissuade person who was victim of crime)	2	572	7.17	0	0	0.15	1	18	2.95	0	0	0.00	0.00
PC148 (Resisting or obstructing peace officer)	8	175	2.59	0	2	1.90	1	14	13.89	0	1	0.31	0.86
PC171(b) (Bringing weapons into courthouse)	1	327	6.50	1	2	0.30	2	11	9.50	0	0	0.00	4.50
PC182 (Conspiracy)	38	2,655	28.00	1	4	2.28	1	27	21.92	0	5	2.20	1.22
PC187 (Murder-unspecified)	227	2,078	20.76	2	4	1.76	1	36	24.61	0	9	4.71	1.38
PC187 (Murder-first degree)	78	2,155	19.25	2	5	1.42	1	37	25.10	0	8	3.29	1.59
PC187 (Murder-second degree)	55	1,596	14.42	2	5	0.92	1	31	24.34	0	6	4.07	1.56
PC187/664 (Attempted murder unspecified)	67	687	7.68	1	2	0.78	1	21	15.59	0	3	1.40	1.02
PC187/664 (Attempted first degree murder)	2	913	12.25	2	10	0.60	2	79	34.85	1	22	6.71	0.17

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
PC187/664 (Attempted second degree murder)	2	913	10.30	1	2	1.40	2	28	29.50	0	9	4.95	2.75
PC192 (Manslaughter-unspecified)	26	683	11.13	1	3	0.75	1	19	20.66	0	1	1.40	1.30
PC192/664 (Attempted vehicular manslaughter)	3	506	3.48	2	3	0.21	1	25	15.57	0	3	0.21	0.00
PC192.1 (Voluntary manslaughter)	29	955	14.73	1	4	1.04	1	22	22.92	0	6	2.41	1.31
PC192.1/664 (Attempted voluntary manslaughter)	4	1,246	8.49	2	6	1.69	1	31	9.97	1	34	6.92	0.16
PC192.2 (Involuntary manslaughter)	14	965	13.59	2	5	0.98	1	21	16.44	0	3	2.42	2.09
PC192.3 (Vehicular manslaughter)	24	667	7.39	1	2	1.25	1	17	14.14	0	2	1.26	0.80
PC192.3/664 (Attempted vehicular manslaughter)	1	1,954	3.30	5	6	0.15	2	29	2.70	1	10	0.75	0.25
PC203 (Mayhem)	4	829	8.44	1	2	0.31	1	36	24.65	0	18	3.63	0.00
PC207-209 (Kidnapping)	72	779	9.57	1	3	1.18	1	25	19.04	0	7	2.64	1.44
PC211 (Robbery)	508	546	7.52	1	3	0.98	1	18	14.26	0	3	1.76	0.74
PC211/664 (Attempted Robbery)	22	371	4.49	1	3	0.74	1	14	10.80	0	5	2.09	0.13
PC220 (Assault with intent to commit mayhem, rape, sodomy, oral copulation)	23	1,116	7.37	1	3	1.04	1	21	20.78	0	6	1.80	1.48

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	*Number of Cases*	*Average Record Length*	*Average Hours to Review Record*	*Average Number of Motions*	*Average Motion Pages*	*Average Motion Hours*	*Average Number of Briefs*	*Average Brief Pages*	*Average Brief Hours*	*Average Number of Petitions*	*Average Petition Pages*	*Average Petition Hours*	*Average Oral Argument Hours*
PC228 (Duels)	1	900	1.31	1	2	0.20	1	13	3.40	0	0	0.00	1.10
PC236/237 (False imprisonment)	12	762	8.50	1	2	0.27	1	16	14.08	0	6	4.17	1.12
PC240 (Assault)	2	641	10.85	0	0	0.25	1	10	6.10	0	0	0.00	0.00
PC242 PC243 (Battery)	41	349	3.63	1	3	0.80	1	18	12.74	0	2	1.47	0.42
PC245 (Assault with a deadly weapon)	213	510	7.86	1	3	0.99	1	19	14.89	0	2	1.30	0.36
PC246 (Prohibited discharge of firearm)	1	698	12.00	0	0	0.00	1	14	22.00	0	0	0.00	0.00
PC251.2 (Libel and slander)	1	200	5.10	0	0	0.00	1	10	11.30	0	0	0.00	0.00
PC261 (Rape-unspecified)	14	617	5.57	1	3	0.61	1	21	12.18	0	2	1.30	0.83
PC261/664 (Attempted rape)	6	308	4.85	0	3	0.57	1	31	17.62	0	18	0.23	0.06
PC261.2 (Forcible rape)	135	672	8.69	1	3	1.08	1	22	16.03	0	5	2.24	0.77
PC261.3 PC261.4 PC261.5 (Nonforcible rape)	10	567	7.25	1	4	1.12	1	17	11.80	0	3	0.94	0.22
PC262 (Spousal rape)	3	627	11.41	1	1	0.16	1	40	16.78	0	6	3.14	0.00
PC264 (Acting in concert with another to commit rape)	24	1,360	16.02	1	3	0.78	1	36	31.31	0	5	2.36	2.09

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
PC266 (Pimping)	12	441	7.66	1	4	1.02	1	17	21.91	0	4	1.95	1.10
PC272 (Contributing to delinquency of a minor)	2	545	8.34	1	1	0.21	1	22	27.48	0	0	0.00	1.75
PC273 (Child abuse)	21	999	17.91	2	4	1.62	1	26	28.19	0	3	0.71	0.87
PC278 (Child stealing)	4	459	4.99	3	11	3.91	1	36	39.53	1	13	6.71	2.98
PC285 (Incest)	2	562	9.35	0	0	4.15	0	21	14.75	0	0	4.15	0.00
PC286 (Sodomy)	12	791	10.02	1	3	0.62	1	36	19.26	0	3	0.50	0.27
PC288 (Lewd & lascivious acts with child under 14)	21	364	4.34	1	1	0.90	1	15	14.08	0	5	5.51	0.92
PC288a (Oral copulation)	263	580	7.31	1	2	0.78	1	18	16.55	0	3	1.81	1.01
PC288a/664 (Oral copulation-attempted)	1	904	12.50	2	4	0.80	1	10	8.00	0	0	0.00	0.00
PC288b (Oral copulation-acting in concert with another person)	21	806	10.04	1	2	1.13	1	18	16.57	0	4	1.71	0.60
PC289a (Anal or genital penetration with foreign object)	16	576	7.23	1	2	0.43	1	21	15.99	0	5	2.01	1.52
PC314 (Indecent exposure)	4	103	1.95	0	0	0.17	1	12	10.07	0	0	0.00	1.05
PC347 (Mixing harmful/poisonous substances with food, drink, and medication)	1	275	5.00	4	8	2.75	1	14	16.95	0	0	0.00	0.00

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
PC381 (Illegal possession of toluene)	1	0	2.00	2	5	2.00	1	12	10.00	0	0	0.00	0.00
PC415 (Fighting in public)	1	431	0.84	0	0	0.00	1	9	0.83	0	0	0.00	0.00
PC417 (Brandishing weapon)	8	252	2.11	1	1	0.17	1	10	4.35	0	0	0.00	0.10
PC451 PC452 PC453 (Arson)	28	448	6.68	1	3	0.71	1	18	16.79	0	2	0.88	0.50
PC455 (Attempted arson)	1	568	11.00	1	2	1.00	2	33	49.50	0	0	0.00	0.00
PC459 (Burglary-unspecified)	358	340	5.04	1	2	0.99	1	15	13.95	0	2	1.34	0.56
PC459 (Burglary-first degree)	136	360	4.30	1	3	0.67	1	15	12.80	0	2	1.43	0.50
PC459 (Burglary-second degree)	35	323	3.95	1	3	0.61	1	14	9.58	0	0	0.05	0.69
PC459/664 (Attempted burglary-unspecified)	7	312	9.57	2	4	1.90	1	15	25.84	0	7	5.90	1.00
PC459/664 (Attempted burglary-first degree)	2	249	2.09	0	0	0.27	1	2	3.17	0	0	0.00	0.00
PC459/664 (Attempted burglary-second degree)	1	110	0.20	2	0	0.09	1	9	1.40	0	0	0.00	0.00
PC464 (Safe explosive offenses)	1	139	2.20	0	0	7.70	1	14	10.00	0	0	0.00	0.00

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
PC469 (Unauthorized making, duplicating or possession of key to public building)	1	585	9.00	0	0	4.00	1	39	42.00	0	0	0.00	6.00
PC470 PC475 PC476 (Forgery, and passing, possessing or making forged instruments)	46	190	2.13	0	1	0.36	1	11	7.17	0	1	0.76	0.31
PC484 (Larceny)	25	316	4.67	1	2	1.23	1	18	20.19	0	4	3.70	0.98
PC487 PC489 VC10851 (Grand theft and grand theft auto)	127	312	4.15	1	3	1.09	1	14	12.22	0	2	1.48	0.83
PC487/664 (Attempted grand theft)	1	329	7.40	1	5	0.60	1	9	12.80	0	0	0.00	0.00
PC488 (Petty theft)	3	163	0.84	0	1	0.20	1	12	4.55	0	0	0.00	0.33
PC496 (Receiving stolen property)	99	408	5.53	1	2	0.80	1	15	13.41	0	3	1.09	0.55
PC496/664 (Receiving stolen property-attempted)	2	179	0.88	0	1	0.10	1	5	8.79	0	0	0.00	0.05
PC499a (Theft of electricity)	1	253	5.25	1	2	0.25	1	10	12.50	0	0	0.00	0.00
PC502(b)(d) (Computer extortion and fraud)	1	667	12.50	0	0	0.00	1	5	5.20	0	0	0.00	0.00
PC504 PC508	2	579	13.00	2	5	0.82	2	28	29.05	0	4	5.00	0.00

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
(Embezzlement) PC518 (Extortion)	2	332	7.50	0	0	2.00	1	18	24.75	0	0	0.00	1.00
PC532a (False financial statement)	2	485	9.50	3	4	2.00	1	31	20.50	1	7	4.00	0.00
PC555 (Unlawful entry upon posted prosperity)	1	488	1.28	1	2	0.10	1	0	2.73	2	13	0.83	0.84
PC594 (Vandalism)	7	121	0.78	1	2	0.42	1	12	1.58	0	3	0.36	0.10
PC597 (Killing, maiming, abusing animals)	1	60	1.00	1	6	0.50	2	36	32.70	0	0	0.00	0.00
PC602 (Trespasses constituting misdemeanor)	2	208	4.37	1	2	0.50	1	9	5.80	0	3	0.50	0.00
PC626.8 (Illegal access on school grounds)	2	81	2.25	1	1	0.50	1	8	7.75	0	0	0.00	0.00
PC647 (Disorderly conduct)	11	433	9.09	1	5	1.99	1	14	15.24	0	3	2.13	0.03
PC653f (Solicitation to commit a felony)	6	1,620	24.16	2	5	2.57	1	21	14.76	0	0	1.50	0.91
PC660 (Mailing/forwarding criminal letters)	1	450	14.00	3	10	3.00	1	13	10.00	0	0	0.00	8.00
PC666 (Conviction for petty theft after prior for theft, burglary, robbery)	26	256	4.07	0	1	0.51	1	15	11.21	0	2	1.88	0.34
PC821.1 (Taking accused before magistrate, felony arrest out of county)	1	393	1.12	2	2	0.02	1	11	0.77	0	0	0.00	0.00

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
PC1026 (Restoration of sanity hearing)	12	247	3.75	1	5	1.02	1	18	14.36	0	2	0.72	0.10
PC1203 (Probation Provisions)	5	145	2.09	2	3	2.11	1	8	6.77	0	5	1.50	0.00
PC1320(b) (Failure to appeal)	3	85	1.20	1	2	0.86	1	10	4.16	0	5	1.06	0.00
PC4501 (Assault and/or battery by an inmate)	10	556	8.67	1	2	1.21	1	14	19.35	0	2	1.85	1.14
PC4502 (Possession of a concealed weapon by an inmate)	8	335	4.82	1	2	0.63	1	19	13.55	0	5	0.70	0.73
PC4530 PC4532 (Escape)	16	207	2.91	1	2	0.63	1	10	5.62	0	9	1.35	0.52
PC4573 (Smuggling narcotics or liquor into prison)	9	226	5.67	0	1	0.28	1	15	19.01	0	2	0.62	0.08
PC4574 (Smuggling firearms, deadly weapons or explosives into prison)	2	216	4.50	1	2	0.17	2	13	10.90	0	0	0.00	0.00
PC12020-22 PC12025 PC12031 PC12303 PC12560 (Manufacture importation, sale, possession of deadly weapon)	45	429	4.47	1	2	0.44	1	18	10.88	0	2	0.90	0.53
PC12026.5(b) (Possession of concealed weapon)	1	167	2.50	0	0	0.00	1	5	1.50	0	0	0.00	0.00

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
VC10852 (Tampering with vehicle parts)	2	81	0.83	1	3	1.91	1	15	6.87	0	10	0.43	0.00
VC14601.1 (Driving while privilege suspended)	1	385	11.80	1	3	0.50	0	0	53.60	0	0	0.00	0.00
VC20001 (Hit and run)	7	210	4.72	0	1	2.40	1	11	31.24	0	21	6.24	0.00
VC23101 VC23152 VC23153 (DUI)	32	324	3.93	1	3	0.47	1	16	9.71	0	2	1.12	1.04
WI300 (Dependency action-judgment that person under 18 be dependent of court)	139	287	3.93	1	3	1.33	1	14	10.60	0	1	0.66	0.84
WI356 (Dependent children; findings, orders)	1	65	1.50	2	11	2.50	1	13	13.00	0	0	0.00	0.00
WI366 (Status review of dependent child in foster care)	8	264	3.93	0	0	0.46	2	17	17.53	0	1	0.75	0.68
WI387 (Removal of minor from physical custody of parent, guardian, relative or friend)	10	122	1.95	0	0	0.28	1	12	9.31	0	0	0.00	0.00
WI602 (Jurisdiction to adjudicate ward of court status - criminal behavior)	61	165	2.24	1	2	0.77	1	13	11.73	0	2	1.81	1.06
WI725(A) (Judgments - minors found to be ward of court; probation)	1	198	0.10	1	3	0.15	1	14	0.80	0	0	0.00	0.00

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Court-Appointed Counsel
Courts of Appeal
Profile of the Average Case
Statistical Summary
July 1, 1986 Through June 30, 1987
(Total 4,091 Cases)

Type Of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
WI871 (Escape from mental institution or juvenile county home/ranch)	2	135	2.30	1	1	0.35	1	6	2.95	0	0	0.00	0.00
WI1736 (Commitment of juvenile offenders)	1	180	3.00	3	0	1.50	1	0	8.00	0	0	0.00	0.20
WI1801 (Petition; right to appear to counsel; court determination)	1	887	1.26	1	3	0.15	1	18	1.60	0	0	0.00	0.00
WI5200 (Court ordered evaluation - mentally disordered persons)	1	48	0.50	2	13	6.80	0	0	0.00	0	0	0.00	0.00
WI5350 (Appointment of conservator)	12	124	2.59	1	3	0.63	1	21	18.24	0	3	2.92	3.85
WI5352 (Appointment of psychiatrist or psychologist)	1	54	0.11	2	6	0.35	0	0	0.00	0	0	0.00	0.00
WI6316 (Mentally disordered sex offenders)	1	122	2.00	1	0	0.00	2	17	25.00	0	0	0.00	0.00
WI11351.5 (Welfare fraud)	7	312	5.50	0	3	0.97	1	17	15.70	0	1	2.14	0.42
XX000	112	252	2.76	1	2	1.60	1	13	11.83	0	2	3.98	1.36

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Court-Appointed Counsel
Supreme Court
Profile of the Average Case
Statistical Summary for Cases on Review
July 1, 1986 Through June 30, 1987
(Total 21 Cases)

Type of Case	Number of Cases	Average Record Length	Average Hours to Review Record	Average Number of Motions	Average Motion Pages	Average Motion Hours	Average Number of Briefs	Average Brief Pages	Average Brief Hours	Average Number of Petitions	Average Petition Pages	Average Petition Hours	Average Oral Argument Hours
HS11350-53 (Narcotic controlled substance offenses)	2	482	1.7	0	0	0	0	0	0	1	11	13.15	0
PC187 (Murder-unspecified)	1	439	0	0	0	0	1	8	9.5	0	0	0	0
PC187 (Murder-first degree)	1	894	6.0	0	0	0	0	0	14.9	0	0	0	0
PC192.2 (Involuntary manslaughter)	1	68	1.2	0	0	0	2	16	34.80	0	0	0	17.0
PC211 (Robbery)	3	623	1.1	0	0	0.83	0	2	1.3	0	4	2	0
PC245(a) (Assault with a deadly weapon)	2	964	7.15	0	0	0	0	0	0	1	8	1.0	0
PC245(b) (Assault with a deadly weapon on police officer)	1	200	4.0	4	100	8.0	4	0	0	2	50	0	7.0
PC261(2) (Forcible rape)	2	454	1.5	0	0	0.13	0	0	6.88	0	0	1.75	3.88
PC288(a) (Oral copulation)	2	328	3.35	1	1	0.4	1	33	73.15	1	6	16	5.45
PC459 (Burglary-unspecified)	1	0	0	0	0	5.0	2	35	47	0	0	0	21.5
PC459 (Burglary-first degree)	3	397	5.23	0	1	5.8	1	19	29.3	0	0	0	2.77
PC459 (Burglary-second degree)	1	368	0	2	5	0.6	2	24	18	1	13	9.6	0
XX000	1	330	0	1	7	5.0	2	13	27	1	7	7	11.50

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Court-Appointed Counsel
Supreme Court
Profile of the Average Case
Automatic Appeals
July 1, 1986 Through June 30, 1987
(Total 2 Cases)

Type of Case	*Number of Cases*	*Average Record Length*	*Average Hours to Review Record*	*Average Number of Motions*	*Average Motion Pages*	*Average Motion Hours*	*Average Number of Briefs*	*Average Brief Pages*	*Average Brief Hours*	*Average Number of Petitions*	*Average Petition Pages*	*Average Petition Hours*	*Average Oral Argument Hours*
PC187 (Murder-first degree)	2	4050	66.15	3	15	35.03	4	367	738.05	2	89	168.50	96.35

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	Total Length Of Sentence	Length Of Total Briefing	Length Of Total Petitions	Number Of Cases	Case Numbers Percentage	Average Compensation Awarded	Minimum Compensation Awarded	Maximum Compensation Awarded
UNDER 300	PROBATION	UNDER 20	UNDER 10	663	16.21%	$829.60	$0.00	$2,906.28
UNDER 300	PROBATION	UNDER 20	10-20	33	0.81%	$1,697.80	$576.90	$4,361.23
UNDER 300	PROBATION	UNDER 20	20-30	8	0.20%	$2,091.35	$1,619.31	$2,863.70
UNDER 300	PROBATION	UNDER 20	OVER 30	2	0.05%	$3,172.80	$3,016.07	$3,329.53
UNDER 300	PROBATION	20-30	UNDER 10	110	2.69%	$1,663.50	$0.00	$4,792.28
UNDER 300	PROBATION	20-30	10-20	17	0.42%	$2,316.84	$1,375.12	$4,125.00
UNDER 300	PROBATION	20-30	20-30	4	0.10%	$2,054.24	$1,177.00	$3,181.08
UNDER 300	PROBATION	20-30	OVER 30	1	0.02%	$3,227.15	$3,227.15	$3,227.15
UNDER 300	PROBATION	30-40	UNDER 10	29	0.71%	$2,373.30	$0.00	$3,843.52
UNDER 300	PROBATION	30-40	10-20	2	0.05%	$2,078.64	$1,800.00	$2,357.27
UNDER 300	PROBATION	30-40	20-30	6	0.15%	$2,582.74	$1,105.62	$3,852.24
UNDER 300	PROBATION	30-40	OVER 30	2	0.05%	$4,738.83	$3,754.21	$5,723.44
UNDER 300	PROBATION	OVER 40	UNDER 10	11	0.27%	$2,944.11	$1,066.90	$6,380.13
UNDER 300	PROBATION	OVER 40	10-20	3	0.07%	$2,688.42	$1,807.23	$3,139.00
UNDER 300	PROBATION	OVER 40	OVER 30	3	0.07%	$5,112.97	$4,502.90	$6,249.40
UNDER 300	5-15	UNDER 20	UNDER 10	466	11.39%	$879.12	$0.00	$2,736.31
UNDER 300	5-15	UNDER 20	10-20	22	0.54%	$1,696.92	$738.84	$3,824.07
UNDER 300	5-15	UNDER 20	20-30	5	0.12%	$1,827.06	$1,062.59	$2,605.00
UNDER 300	5-15	UNDER 20	OVER 30	4	0.10%	$2,624.91	$1,512.00	$4,129.07
UNDER 300	5-15	20-30	UNDER 10	51	1.25%	$1,607.36	$633.29	$3,862.79
UNDER 300	5-15	20-30	10-20	3	0.07%	$2,413.86	$2,213.00	$2,629.29
UNDER 300	5-15	20-30	20-30	3	0.07%	$2,171.02	$1,522.00	$3,186.45
UNDER 300	5-15	30-40	UNDER 10	13	0.32%	$2,157.04	$1,045.20	$3,765.54
UNDER 300	5-15	30-40	10-20	3	0.07%	$3,492.63	$1,751.41	$4,832.08

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	Total Length Of Sentence	Length Of Total Briefing	Length Of Total Petitions	Number Of Cases	Case Numbers Percentage	Average Compensation Awarded	Minimum Compensation Awarded	Maximum Compensation Awarded
UNDER 300	5-15	30-40	20-30	3	0.07%	$2,829.86	$1,720.72	$4,081.80
UNDER 300	5-15	30-40	OVER 30	2	0.05%	$2,909.08	$2,201.93	$3,616.23
UNDER 300	5-15	OVER 40	UNDER 10	10	0.24%	$2,905.17	$1,490.00	$4,043.15
UNDER 300	5-15	OVER 40	10-20	1	0.02%	$3,681.17	$3,681.17	$3,681.17
UNDER 300	5-15	OVER 40	20-30	1	0.02%	$8,054.17	$8,054.17	$8,054.17
UNDER300	5-15	OVER 40	OVER 30	1	0.02%	$4,613.70	$4,613.70	$4,613.70
UNDER 300	15-LIFE	UNDER 20	UNDER 10	92	2.25%	$1,063.93	$0.00	$5,985.00
UNDER 300	15-LIFE	UNDER 20	10-20	5	0.12%	$1,517.99	$630.00	$3,316.57
UNDER 300	15-LIFE	UNDER 20	20-30	4	0.10%	$2,383.70	$1,650.00	$3,014.00
UNDER 300	15-LIFE	UNDER 20	OVER 30	3	0.07%	$2,777.83	$1,005.80	$4,122.37
UNDER 300	15-LIFE	20-30	UNDER 10	14	0.34%	$1,735.89	$978.50	$3,609.11
UNDER 300	15-LIFE	20-30	10-20	3	0.07%	$2,413.89	$2,238.43	$2,602.15
UNDER 300	15-LIFE	30-40	UNDER 10	4	0.10%	$2,997.32	$2,490.68	$3,910.50
UNDER 300	15-LIFE	30-40	20-30	1	0.02%	$1,007.06	$1,007.06	$1,007.06
UNDER 300	15-LIFE	OVER 40	UNDER 10	3	0.07%	$2,095.48	$1,464.33	$2,774.89
UNDER 300	LWOP	UNDER 20	UNDER 10	2	0.05%	$873.94	$630.19	$1,117.69
UNDER 300	LWOP	UNDER 20	10-20	1	0.02%	$851.47	$851.47	$851.47
UNDER 300	LWOP	20-30	UNDER 10	1	0.02%	$1,308.57	$1,308.57	$1,308.57
UNDER 300	LWOP	OVER 40	UNDER 10	1	0.02%	$4,784.00	$4,784.00	$4,784.00
300-799	PROBATION	UNDER 20	UNDER 10	260	6.36%	$1,384.29	$155.00	$3,871.47
300-799	PROBATION	UNDER 20	10-20	7	0.17%	$2,085.01	$1,231.35	$3,425.59
300-799	PROBATION	UNDER 20	20-30	2	0.05%	$3,121.54	$2,912.66	$3,330.42
300-799	PROBATION	UNDER 20	OVER 30	2	0.05%	$3,104.13	$2,961.00	$3,247.25
300-799	PROBATION	20-30	UNDER 10	105	2.57%	$1,884.23	$552.47	$3,529.52

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	*Total Length Of Sentence*	*Length Of Total Briefing*	*Length Of Total Petitions*	*Number Of Cases*	*Case Numbers Percentage*	*Average Compensation Awarded*	*Minimum Compensation Awarded*	*Maximum Compensation Awarded*
300-799	PROBATION	20-30	10-20	14	0.34%	$2,768.95	$1,031.80	$4,165.90
300-799	PROBATION	20-30	20-30	5	0.12%	$2,855.88	$1,890.00	$3,854.18
300-799	PROBATION	20-30	OVER 30	1	0.02%	$2,714.67	$2,714.67	$2,714.67
300-799	PROBATION	30-40	UNDER 10	39	0.95%	$2,678.10	$0.00	$4,785.75
300-799	PROBATION	30-40	10-20	7	0.17%	$3,326.90	$1,572.96	$4,923.00
300-799	PROBATION	30-40	20-30	6	0.15%	$4,127.58	$2,433.52	$5,334.85
300-799	PROBATION	30-40	OVER 30	1	0.02%	$4,128.83	$4,128.83	$4,128.83
300-799	PROBATION	OVER 40	UNDER 10	24	0.59%	$3,288.87	$400.00	$5,646.22
300-799	PROBATION	OVER 40	10-20	4	0.10%	$5,199.36	$3,212.00	$8,024.80
300-799	PROBATION	OVER 40	20-30	2	0.05%	$4,691.88	$4,635.98	$4,747.78
300-799	PROBATION	OVER 40	OVER 30	1	0.02%	$3,099.82	$3,099.82	$3,099.82
300-799	5-15	UNDER 20	UNDER 10	249	6.09%	$1,295.02	$137.09	$3,597.00
300-799	5-15	UNDER 20	10-20	15	0.37%	$2,102.72	$666.75	$3,674.59
300-799	5-15	UNDER 20	20-30	3	0.07%	$3,018.47	$2,376.01	$3,693.94
300-799	5-15	UNDER 20	OVER 30	5	0.12%	$3,472.95	$2,669.39	$4,115.00
300-799	5-15	20-30	UNDER 10	101	2.47%	$2,011.94	$542.59	$3,771.05
300-799	5-15	20-30	10-20	16	0.39%	$3,056.43	$1,839.13	$4,384.00
300-799	5-15	20-30	20-30	4	0.10%	$2,054.66	$1,402.32	$2,608.11
300-799	5-15	20-30	OVER 30	6	0.15%	$4,611.37	$2,143.50	$10,893.54
300-799	5-15	30-40	UNDER 10	35	0.86%	$2,970.26	$1,376.49	$5,994.51
300-799	5-15	30-40	10-20	2	0.05%	$3,156.47	$2,790.34	$3,522.59
300-799	5-15	30-40	20-30	6	0.15%	$2,877.26	$1,500.00	$3,709.31
300-799	5-15	30-40	OVER 30	2	0.05%	$3,071.84	$2,400.00	$3,743.67

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	Total Length Of Sentence	Length Of Total Briefing	Length Of Total Petitions	Number Of Cases	Case Numbers Percentage	Average Compensation Awarded	Minimum Compensation Awarded	Maximum Compensation Awarded
300-799	5-15	OVER 40	UNDER 10	27	0.66%	$3,393.59	$1,027.60	$5,442.70
300-799	5-15	OVER 40	10-20	8	0.20%	$3,541.80	$2,331.46	$5,286.04
300-799	5-15	OVER 40	20-30	7	0.17%	$3,559.89	$1,869.05	$5,518.80
300-799	5-15	OVER 40	OVER 30	4	0.10%	$6,843.49	$3,487.84	$9,029.27
300-799	15-LIFE	UNDER 20	UNDER 10	65	1.59%	$1,344.64	$486.98	$4,833.80
300-799	15-LIFE	UNDER 20	10-20	5	0.12%	$2,107.09	$1,732.15	$2,415.06
300-799	15-LIFE	20-30	UNDER 10	35	0.86%	$2,055.83	$725.44	$3,054.00
300-799	15-LIFE	20-30	10-20	12	0.29%	$2,751.40	$1,540.84	$5,672.64
300-799	15-LIFE	20-30	20-30	2	0.05%	$1,940.04	$1,820.00	$2,060.07
300-799	15-LIFE	20-30	OVER 30	2	0.05%	$3,037.45	$2,515.01	$3,559.88
300-799	15-LIFE	30-40	UNDER 10	17	0.42%	$2,673.40	$1,473.34	$3,874.72
300-799	15-LIFE	30-40	10-20	2	0.05%	$3,750.19	$2,471.80	$5,028.58
300-799	15-LIFE	30-40	20-30	1	0.02%	$2,309.37	$2,309.37	$2,309.37
300-799	15-LIFE	30-40	OVER 30	1	0.02%	$8,184.98	$8,184.98	$8,184.98
300-799	15-LIFE	OVER 40	UNDER 10	17	0.42%	$4,293.19	$435.61	$8,519.00
300-799	15-LIFE	OVER 40	10-20	7	0.17%	$4,610.85	$2,964.71	$5,966.37
300-799	15-LIFE	OVER 40	20-30	2	0.05%	$6,669.59	$6,577.15	$6,762.03
300-799	15-LIFE	OVER 40	OVER 30	1	0.02%	$1,786.58	$1,786.58	$1,786.58
300-799	LWOP	UNDER 20	UNDER 10	1	0.02%	$4,701.74	$4,701.74	$4,701.74
300-799	LWOP	20-30	UNDER 10	3	0.07%	$2,355.10	$1,650.00	$2,960.54
300-799	LWOP	30-40	20-30	2	0.05%	$2,944.00	$2,913.00	$2,975.00
300-799	LWOP	OVER 40	UNDER 10	3	0.07%	$5,705.06	$867.87	$12,679.00
300-799	LWOP	OVER 40	10-20	1	0.02%	$7,101.66	$7,101.66	$7,101.66

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	Total Length Of Sentence	Length Of Total Briefing	Length Of Total Petitions	Number Of Cases	Case Numbers Percentage	Average Compensation Awarded	Minimum Compensation Awarded	Maximum Compensation Awarded
300-799	LWOP	OVER 40	20-30	1	0.02%	$10,840.81	$10,840.81	$10,840.81
800-1499	PROBATION	UNDER 20	UNDER 10	57	1.39%	$1,874.96	$477.50	$4,093.21
800-1499	PROBATION	UNDER 20	10-20	2	0.05%	$2,041.95	$1,562.60	$2,521.30
800-1499	PROBATION	UNDER 20	20-30	2	0.05%	$2,804.50	$2,734.00	$2,875.00
800-1499	PROBATION	UNDER 20	OVER 30	1	0.02%	$4,633.81	$4,633.81	$4,633.81
800-1499	PROBATION	20-30	UNDER 10	23	0.56%	$2,405.36	$894.94	$4,650.00
800-1499	PROBATION	20-30	10-20	1	0.02%	$4,808.33	$4,808.33	$4,808.33
800-1499	PROBATION	30-40	UNDER 10	12	0.29%	$3,764.60	$1,985.72	$5,641.97
800-1499	PROBATION	30-40	10-20	1	0.02%	$3,630.00	$3,630.00	$3,630.00
800-1499	PROBATION	30-40	20-30	4	0.10%	$3,533.74	$3,086.66	$3,795.84
800-1499	PROBATION	30-40	OVER 30	1	0.02%	$4,258.00	$4,258.00	$4,258.00
800-1499	PROBATION	OVER 40	UNDER 10	14	0.34%	$4,227.09	$666.20	$8,025.00
800-1499	PROBATION	OVER 40	10-20	1	0.02%	$4,906.06	$4,906.06	$4,906.06
800-1499	PROBATION	OVER 40	OVER 30	2	0.05%	$5,524.60	$2,152.77	$8,896.42
800-1499	5-15	UNDER 20	UNDER 10	62	1.52%	$2,054.01	$44.80	$6,277.29
800-1499	5-15	UNDER 20	10-20	9	0.22%	$2,918.63	$1,400.00	$4,242.80
800-1499	5-15	UNDER 20	20-30	2	0.05%	$1,989.86	$1,892.67	$2,087.04
800-1499	5-15	UNDER 20	OVER 30	2	0.05%	$5,870.55	$3,187.10	$8,553.99
800-1499	5-15	20-30	UNDER 10	41	1.00%	$2,576.02	$0.00	$4,945.05
800-1499	5-15	20-30	10-20	9	0.22%	$3,501.98	$2,596.30	$5,172.00
800-1499	5-15	20-30	20-30	2	0.05%	$2,633.19	$2,185.00	$3,081.38
800-1499	5-15	20-30	OVER 30	2	0.05%	$2,674.25	$2,000.00	$3,348.49
800-1499	5-15	30-40	UNDER 10	20	0.49%	$3,289.19	$1,882.25	$5,176.98
800-1499	5-15	30-40	10-20	3	0.07%	$3,810.68	$2,337.30	$5,984.24

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	*Total Length Of Sentence*	*Length Of Total Briefing*	*Length Of Total Petitions*	*Number Of Cases*	*Case Numbers Percentage*	*Average Compensation Awarded*	*Minimum Compensation Awarded*	*Maximum Compensation Awarded*
800-1499	5-15	30-40	20-30	2	0.05%	$4,263.91	$3,435.12	$5,092.69
800-1499	5-15	OVER 40	UNDER 10	17	0.42%	$4,772.52	$2,533.61	$6,355.61
800-1499	5-15	OVER 40	10-20	3	0.07%	$3,908.09	$2,879.27	$5,671.97
800-1499	5-15	OVER 40	20-30	4	0.10%	$5,384.70	$3,714.26	$8,048.03
800-1499	5-15	OVER 40	OVER 30	9	0.22%	$6,176.04	$2,892.88	$13,594.75
800-1499	15-LIFE	UNDER 20	UNDER 10	42	1.03%	$2,038.71	$1,000.00	$5,786.43
800-1499	15-LIFE	UNDER 20	10-20	3	0.07%	$2,736.81	$1,660.00	$3,620.79
800-1499	15-LIFE	UNDER 20	OVER 30	1	0.02%	$0.00	$0.00	$.00
800-1499	15-LIFE	20-30	UNDER 10	34	0.83%	$2,412.05	$1,282.24	$3,690.00
800-1499	15-LIFE	20-30	10-20	4	0.10%	$3,834.64	$1,329.81	$6,748.29
800-1499	15-LIFE	20-30	20-30	4	0.10%	$2,600.76	$1,612.27	$3,544.61
800-1499	15-LIFE	30-40	UNDER 10	17	0.42%	$3,280.23	$2,226.08	$5,324.37
800-1499	15-LIFE	30-40	10-20	8	0.20%	$3,397.25	$1,059.27	$4,721.50
800-1499	15-LIFE	30-40	20-30	3	0.07%	$3,288.95	$1,965.10	$4,677.10
800-1499	15-LIFE	30-40	OVER 30	3	0.07%	$4,952.43	$3,498.34	$6,115.9[illegible]
800-1499	15-LIFE	OVER 40	UNDER 10	27	0.66%	$4,036.75	$1,722.09	$13,712.80
800-1499	15-LIFE	OVER 40	10-20	9	0.22%	$5,118.48	$3,000.00	$9,450.00
800-1499	15-LIFE	OVER 40	20-30	10	0.24%	$3,786.36	$0.00	$7,266.31
800-1499	15-LIFE	OVER 40	OVER 30	8	0.20%	$6,169.91	$2,824.00	$11,173.96
800-1499	LWOP	UNDER 20	UNDER 10	3	0.07%	$2,303.11	$1,518.48	$3,594.60
800-1499	LWOP	20-30	UNDER 10	3	0.07%	$4,418.20	$2,945.30	$6,084.29
800-1499	LWOP	30-40	UNDER 10	1	0.02%	$2,147.00	$2,147.00	$2,147.00
800-1499	LWOP	OVER 40	UNDER 10	1	0.02%	$3,221.83	$3,221.83	$3,221.83

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	Total Length Of Sentence	Length Of Total Briefing	Length Of Total Petitions	Number Of Cases	Case Numbers Percentage	Average Compensation Awarded	Minimum Compensation Awarded	Maximum Compensation Awarded
800-1499	LWOP	OVER 40	20-30	1	0.02%	$7,586.00	$7,586.00	$7,586.00
1500-1999	PROBATION	UNDER 20	UNDER 10	6	0.15%	$2,487.65	$1,656.71	$3,210.35
1500-1999	PROBATION	20-30	UNDER 10	4	0.10%	$3,247.06	$2,540.74	$3,602.20
1500-1999	PROBATION	20-30	10-20	1	0.02%	$5,302.99	$5,302.99	$5,302.99
1500-1999	PROBATION	30-40	UNDER 10	3	0.07%	$3,532.59	$2,887.20	$4,288.48
1500-1999	PROBATION	OVER 40	UNDER 10	2	0.05%	$5,409.22	$4,720.32	$6,098.11
1500-1999	PROBATION	OVER 40	10-20	1	0.02%	$6,385.15	$6,385.15	$6,385.15
1500-1999	5-15	UNDER 20	UNDER 10	9	0.22%	$2,720.04	$1,896.00	$4,147.72
1500-1999	5-15	UNDER 20	10-20	2	0.05%	$2,500.22	$2,415.29	$2,585.15
1500-1999	5-15	20-30	UNDER 10	9	0.22%	$2,678.44	$556.80	$4,735.92
1500-1999	5-15	20-30	10-20	1	0.02%	$3,550.00	$3,550.00	$3,550.00
1500-1999	5-15	30-40	UNDER 10	2	0.05%	$3,700.50	$2,750.00	$4,651.00
1500-1999	5-15	OVER 40	UNDER 10	8	0.20%	$5,631.51	$2,873.00	$8,666.53
1500-1999	5-15	OVER 40	10-20	1	0.02%	$5,103.09	$5,103.09	$5,103.09
1500-1999	5-15	OVER 40	OVER 30	1	0.02%	$5,107.55	$5,107.55	$5,107.55
1500-1999	15-LIFE	UNDER 20	UNDER 10	5	0.12%	$2,651.28	$917.60	$6,067.31
1500-1999	15-LIFE	UNDER 20	10-20	1	0.02%	$3,877.47	$3,877.47	$3,877.47
1500-1999	15-LIFE	20-30	UNDER 10	12	0.29%	$3,062.82	$2,520.00	$3,634.10
1500-1999	15-LIFE	20-30	10-20	3	0.07%	$4,072.64	$3,628.86	$4,745.19
1500-1999	15-LIFE	20-30	20-30	1	0.02%	$2,670.33	$2,670.33	$2,670.33
1500-1999	15-LIFE	30-40	UNDER 10	9	0.22%	$3,758.64	$2,148.33	$5,723.96
1500-1999	15-LIFE	OVER 40	UNDER 10	20	0.49%	$5,487.76	$1,899.96	$12,185.00
1500-1999	15-LIFE	OVER 40	10-20	1	0.02%	$4,861.17	$4,861.17	$4,861.17
1500-1999	15-LIFE	OVER 40	20-30	4	0.10%	$5,383.93	$4,485.72	$7,685.71

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	*Total Length Of Sentence*	*Length Of Total Briefing*	*Length Of Total Petitions*	*Number Of Cases*	*Case Numbers Percentage*	*Average Compensation Awarded*	*Minimum Compensation Awarded*	*Maximum Compensation Awarded*
1500-1999	15-LIFE	OVER 40	OVER 30	2	0.05%	$14,877.44	$13,301.73	$16,453.15
1500-1999	LWOP	20-30	UNDER 10	1	0.02%	$3,368.75	$3,368.75	$3,368.75
1500-1999	LWOP	20-30	10-20	1	0.02%	$2,825.00	$2,825.00	$2,825.00
1500-1999	LWOP	OVER 40	20-30	1	0.02%	$8,087.80	$8,087.80	$8,087.80
2000-2999	PROBATION	UNDER 20	UNDER 10	3	0.07%	$3,160.35	$1,170.53	$4,193.91
2000-2999	PROBATION	UNDER 20	10-20	1	0.02%	$6,541.03	$6,541.03	$6,541.03
2000-2999	PROBATION	20-30	UNDER 10	3	0.07%	$3,385.29	$2,500.00	$3,995.86
2000-2999	PROBATION	30-40	UNDER 10	2	0.05%	$3,548.12	$1,328.76	$5,767.47
2000-2999	PROBATION	OVER 40	UNDER 10	2	0.05%	$4,582.44	$4,192.35	$4,972.52
2000-2999	PROBATION	OVER 40	10-20	1	0.02%	$9,840.00	$9,840.00	$9,840.00
2000-2999	5-15	UNDER 20	UNDER 10	9	0.22%	$1,670.87	$6.33	$4,104.72
2000-2999	5-15	20-30	UNDER 10	4	0.10%	$4,913.64	$3,237.97	$5,602.94
2000-2999	5-15	20-30	10-20	1	0.02%	$4,864.42	$4,864.42	$4,864.42
2000-2999	5-15	30-40	UNDER 10	2	0.05%	$4,132.44	$3,925.60	$4,339.28
2000-2999	5-15	OVER 40	UNDER 10	6	0.15%	$5,791.49	$3,244.71	$8,073.33
2000-2999	5-15	OVER 40	10-20	4	0.10%	$5,365.24	$2,934.85	$7,499.97
2000-2999	5-15	OVER 40	20-30	1	0.02%	$3,944.56	$3,944.56	$3,944.56
2000-2999	15-LIFE	UNDER 20	UNDER 10	10	0.24%	$1,768.86	$489.95	$4,619.99
2000-2999	15-LIFE	20-30	UNDER 10	8	0.20%	$3,847.32	$1,802.95	$7,506.46
2000-2999	15-LIFE	20-30	10-20	2	0.05%	$3,975.51	$3,725.52	$4,225.50
2000-2999	15-LIFE	20-30	20-30	1	0.02%	$5,318.38	$5,318.38	$5,318.38
2000-2999	15-LIFE	30-40	UNDER 10	7	0.17%	$3,832.68	$3,025.31	$5,172.85
2000-2999	15-LIFE	OVER 40	UNDER 10	11	0.27%	$5,577.09	$3,436.32	$9,580.50

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	Total Length Of Sentence	Length Of Total Briefing	Length Of Total Petitions	Number Of Cases	Case Numbers Percentage	Average Compensation Awarded	Minimum Compensation Awarded	Maximum Compensation Awarded
2000-2999	15-LIFE	OVER 40	10-20	5	0.12%	$6,254.61	$3,867.51	$11,725.72
2000-2999	15-LIFE	OVER 40	20-30	1	0.02%	$9,219.22	$9,219.22	$9,219.22
2000-2999	15-LIFE	OVER 40	OVER 30	6	0.15%	$6,261.31	$3,011.30	$10,003.16
2000-2999	LWOP	UNDER 20	UNDER 10	1	0.02%	$5,700.94	$5,700.94	$5,700.94
2000-2999	LWOP	UNDER 20	OVER 30	1	0.02%	$6,898.39	$6,898.39	$6,898.39
2000-2999	LWOP	20-30	10-20	1	0.02%	$2,822.50	$2,822.50	$2,822.50
2000-2999	LWOP	30-40	20-30	2	0.05%	$5,180.79	$4,512.50	$5,849.07
2000-2999	LWOP	OVER 40	10-20	1	0.02%	$5,151.01	$5,151.01	$5,151.01
2000-2999	LWOP	OVER 40	OVER 30	1	0.02%	$8,727.00	$8,727.00	$8,727.00
3000-3999	PROBATION	30-40	UNDER 10	1	0.02%	$5,281.00	$5,281.00	$5,281.00
3000-3999	PROBATION	OVER 40	UNDER 10	5	0.12%	$7,126.61	$5,095.19	$12,263.13
3000-3999	5-15	20-30	UNDER 10	1	0.02%	$3,215.65	$3,215.65	$3,215.65
3000-3999	5-15	OVER 40	UNDER 10	3	0.07%	$6,661.77	$3,991.42	$8,627.40
3000-3999	5-15	OVER 40	OVER 30	1	0.02%	$25,104.30	$25,104.30	$25,104.30
3000-3999	15-LIFE	UNDER 20	UNDER 10	1	0.02%	$1,931.44	$1,931.44	$1,931.44
3000-3999	15-LIFE	20-30	UNDER 10	2	0.05%	$3,045.63	$2,552.79	$3,538.47
3000-3999	15-LIFE	20-30	OVER 30	1	0.02%	$4,769.30	$4,769.30	$4,769.30
3000-3999	15-LIFE	30-40	UNDER 10	1	0.02%	$3,175.64	$3,175.64	$3,175.64
3000-3999	15-LIFE	30-40	20-30	1	0.02%	$6,978.91	$6,978.91	$6,978.91
3000-3999	15-LIFE	30-40	OVER 30	1	0.02%	$7,378.40	$7,378.40	$7,378.40
3000-3999	15-LIFE	OVER 40	UNDER 10	5	0.12%	$6,938.05	$4,866.99	$10,864.60
3000-3999	15-LIFE	OVER 40	10-20	4	0.10%	$4,776.18	$2,007.00	$6,505.34
3000-3999	15-LIFE	OVER 40	20-30	3	0.07%	$7,217.94	$6,102.47	$8,352.45
3000-3999	15-LIFE	OVER 40	OVER 30	3	0.07%	$7,185.54	$2,536.99	$11,856.52

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	Total Length Of Sentence	Length Of Total Briefing	Length Of Total Petitions	Number Of Cases	Case Numbers Percentage	Average Compensation Awarded	Minimum Compensation Awarded	Maximum Compensation Awarded
3000-3999	LWOP	20-30	UNDER 10	1	0.02%	$4,525.95	$4,525.95	$4,525.95
3000-3999	LWOP	30-40	UNDER 10	1	0.02%	$6,838.75	$6,838.75	$6,838.75
3000-3999	LWOP	OVER 40	UNDER 10	2	0.05%	$4,601.56	$3,656.48	$5,546.63
3000-3999	LWOP	OVER 40	10-20	1	0.02%	$4,637.99	$4,637.99	$4,637.99
4000-4999	PROBATION	UNDER 20	UNDER 10	2	0.05%	$4,868.56	$4,265.00	$5,472.11
4000-4999	PROBATION	UNDER 20	10-20	2	0.05%	$8,318.80	$8,158.80	$8,478.80
4000-4999	PROBATION	OVER 40	UNDER 10	1	0.02%	$7,000.90	$7,000.90	$7,000.90
4000-4999	5-15	30-40	UNDER 10	2	0.05%	$8,822.36	$8,822.36	$8,822.36
4000-4999	5-15	OVER 40	UNDER 10	1	0.02%	$4,200.50	$4,200.50	$4,200.50
4000-4999	5-15	OVER 40	10-20	1	0.02%	$7,322.64	$7,322.64	$7,322.64
4000-4999	5-15	OVER 40	20-30	1	0.02%	$7,134.35	$7,134.35	$7,134.35
4000-4999	15-LIFE	UNDER 20	UNDER 10	2	0.05%	$1,781.51	$438.80	$3,124.22
4000-4999	15-LIFE	20-30	UNDER 10	3	0.07%	$5,514.97	$3,933.30	$6,754.60
4000-4999	15-LIFE	30-40	UNDER 10	1	0.02%	$5,502.39	$5,502.39	$5,502.39
4000-4999	15-LIFE	30-40	10-20	1	0.02%	$5,638.37	$5,638.37	$5,638.37
4000-4999	15-LIFE	OVER 40	UNDER 10	4	0.10%	$11,342.98	$7,048.11	$14,884.81
4000-4999	15-LIFE	OVER 40	20-30	3	0.07%	$8,226.63	$4,528.00	$12,241.70
4000-4999	15-LIFE	OVER 40	OVER 30	2	0.05%	$15,148.75	$13,541.96	$16,755.53
4000-4999	LWOP	UNDER 20	UNDER 10	1	0.02%	$3,145.53	$3,145.53	$3,145.53
4000-4999	LWOP	OVER 40	UNDER 10	2	0.05%	$8,670.78	$5,142.64	$12,198.92
4000-4999	LWOP	OVER 40	10-20	1	0.02%	$11,224.25	$11,224.25	$11,224.25
5000-5999	PROBATION	20-30	UNDER 10	1	0.02%	$5,245.67	$5,245.67	$5,245.67
5000-5999	PROBATION	OVER 40	UNDER 10	1	0.02%	$12,067.45	$12,067.45	$12,067.45

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Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	*Total Length Of Sentence*	*Length Of Total Briefing*	*Length Of Total Petitions*	*Number Of Cases*	*Case Numbers Percentage*	*Average Compensation Awarded*	*Minimum Compensation Awarded*	*Maximum Compensation Awarded*
5000-5999	15-LIFE	UNDER 20	UNDER 10	1	0.02%	$2,068.35	$2,068.35	$2,068.35
5000-5999	15-LIFE	30-40	10-20	1	0.02%	$5,150.00	$5,150.00	$5,150.00
5000-5999	15-LIFE	OVER 40	OVER 30	1	0.02%	$4,333.10	$4,333.10	$4,333.10
5000-5999	LWOP	OVER 40	10-20	1	0.02%	$7,282.65	$7,282.65	$7,282.65
5000-5999	LWOP	OVER 40	20-30	1	0.02%	$6,000.00	$6,000.00	$6,000.00
5000-5999	LWOP	OVER 40	OVER 30	1	0.02%	$17,388.25	$17,388.25	$17,388.25
6000-6999	PROBATION	UNDER 20	UNDER 10	1	0.02%	$7,080.00	$7,080.00	$7,080.00
6000-6999	15-LIFE	UNDER 20	OVER 30	1	0.02%	$8,406.39	$8,406.39	$8,406.39
6000-6999	15-LIFE	30-40	UNDER 10	1	0.02%	$7,786.00	$7,786.00	$7,786.00
6000-6999	15-LIFE	OVER 40	UNDER 10	1	0.02%	$4,410.65	$4,410.65	$4,410.65
6000-6999	15-LIFE	OVER 40	10-20	1	0.02%	$6,442.56	$6,442.56	$6,442.56
6000-6999	15-LIFE	OVER 40	OVER 30	1	0.02%	$5,386.81	$5,386.81	$5,386.81
6000-6999	LWOP	OVER 40	UNDER 10	2	0.05%	$8,597.68	$6,695.36	$10,500.00
7000-7999	15-LIFE	30-40	UNDER 10	1	0.02%	$11,122.76	$11,122.76	$11,122.76
7000-7999	15-LIFE	OVER 40	UNDER 10	1	0.02%	$9,009.26	$9,009.26	$9,009.26
7000-7999	LWOP	OVER 40	UNDER 10	1	0.02%	$21,075.52	$21,075.52	$21,075.52
8000-8999	15-LIFE	UNDER 20	UNDER 10	1	0.02%	$2,500.74	$2,500.74	$2,500.74
8000-8999	LWOP	UNDER 20	10-20	1	0.02%	$3,150.52	$3,150.52	$3,150.52
8000-8999	LWOP	UNDER 20	20-30	1	0.02%	$1,931.25	$1,931.25	$1,931.25
8000-8999	LWOP	30-40	10-20	1	0.02%	$5,200.00	$5,200.00	$5,200.00
8000-8999	LWOP	OVER 40	UNDER 10	1	0.02%	$14,853.63	$14,853.63	$14,853.63
9000-9999	PROBATION	UNDER 20	UNDER 10	1	0.02%	$7,143.30	$7,143.30	$7,143.30
9000-9999	15-LIFE	20-30	UNDER 10	1	0.02%	$3,596.56	$3,596.56	$3,596.56
10,000-10,999	15-LIFE	OVER 40	20-30	1	0.02%	$18,648.33	$18,648.33	$18,648.33

TABLE 3-A
Page 12

Court-Appointed Counsel Compensation
Courts Of Appeal
Study Of Case Complexity Factors
Statistical Summary
July, 1986 Through June 30, 1987
(Total 4,091 Cases)

Length Of Record	*Total Length Of Sentence*	*Length Of Total Briefing*	*Length Of Total Petitions*	*Number Of Cases*	*Case Numbers Percentage*	*Average Compensation Awarded*	*Minimum Compensation Awarded*	*Maximum Compensation Awarded*
12,000-12,999	15-LIFE	OVER 40	UNDER 10	1	0.02%	$7,857.12	$7,857.12	$7,857.12
12,000-12,999	LWOP	UNDER 20	20-30	1	0.02%	$5,783.00	$5,783.00	$5,783.00
13,000-16,999	LWOP	OVER 40	UNDER 10	1	0.02%	$6,888.12	$6,888.12	$6,888.12
OTHER	OTHER	OTHER	OTHER	530	12.96%	$1,515.24	$0.00	$11,448.36

TABLE 3-B
Page 1

Court-Appointed Counsel Compensation
Supreme Court
Study Of Case Complexity Factors
Statistical Summary for Cases on Review
July 1, 1986 Through June 30, 1987
(Total 21 Cases)

Length Of Record	*Total Length Of Sentence*	*Length Of Total Briefing*	*Length Of Total Petitions*	*Number Of Cases*	*Case Numbers Percentage*	*Average Compensation Awarded*	*Minimum Compensation Awarded*	*Maximum Compensation Awarded*
UNDER 300	5-15	UNDER 20	UNDER 10	1	4.77%	$4,208.58	$4,208.58	$4,208.58
UNDER 300	5-15	UNDER 20	10-20	1	4.76%	$5,446.50	$5,446.50	$5,446.50
UNDER 300	5-15	UNDER 20	OVER 30	1	4.77%	$2,471.36	$2,471.36	$2,471.36
300-799	PROBATION	UNDER 20	UNDER 10	2	9.52%	$498.07	$471.14	$525.00
300-799	PROBATION	UNDER 20	10-20	1	4.76%	$573.80	$573.80	$573.80
300-799	5-15	UNDER 20	UNDER 10	3	14.29%	$573.14	$425.50	$822.81
300-799	5-15	UNDER 20	10-20	1	4.76%	$1,376.36	$1,376.36	$1,376.36
300-799	15-LIFE	UNDER 20	UNDER 10	1	4.76%	$825.00	$825.00	$825.00
300-799	15-LIFE	OVER 40	UNDER 10	1	4.76%	$7,369.18	$7,369.18	$7,369.18
800-1499	5-15	UNDER 20	10-20	1	4.76%	$391.62	$391.62	$391.62
800-1499	15-LIFE	UNDER 20	UNDER 10	1	4.76%	$1,741.28	$1,741.28	$1,741.28
OTHER	OTHER	OTHER	OTHER	7	33.33%	$2,488.52	$276.14	$5,247.61

TABLE 3-C
Page 1

Court-Appointed Counsel Compensation
Supreme Court
Study Of Case Complexity Factors
Statistical Summary for Automatic Appeals
July 1, 1986 Through June 30, 1987
(Total 2 Cases)

Length Of Record	*Total Length Of Sentence*	*Length Of Total Briefing*	*Length Of Total Petitions*	*Number Of Cases*	*Case Numbers Percentage*	*Average Compensation Awarded*	*Minimum Compensation Awarded*	*Maximum Compensation Awarded*
3000-3999	DEATH PENALTY	358	68	1	50.00%	$55,721.49	$55,721.49	$55,721.49
4000-4999	DEATH PENALTY	375	110	1	50.00%	$68,234.21	$68,234.21	$68,234.21

CHAPTER 13

UTILIZATION OF JUSTICE COURT JUDGES ON ASSIGNMENT

In 1987, the Judicial Council approved a recommendation by the Municipal and Justice Court Committee to seek funding for the expansion of the circuit justice court program.

Article VI, section 6 of the California Constitution vests authority in the Chief Justice to assign judges. Courts may request assigned judicial assistance from the Administrative Office of the Courts (AOC) for the following reasons: calendar congestion (danger of dismissing criminal case; Pen. Code, § 1382); vacancies due to elevation, retirement or resignation; judges' illness; disqualification (Code Civ. Proc., § 170 et seq.); back-up for judges attending training programs; vacation coverage; special calendaring problems (i.e., congestion due to passage of new legislation and extended trials in capital cases); back-up for change of venue cases; and completion of matters upon elevation or retirement.

In fiscal year 1985-86, justice court judges provided 56 percent of the total assistance through assignments received by municipal courts statewide and 80 percent of the total assistance through assignments received by justice courts statewide (*1987 Annual Report*, p. 153; see Table T-54).

In fiscal year 1985-86, 51 active justice court judges were available for assignment. In September 1987, 37 justice court judges, including three circuit judges, were available for assignment. During fiscal year 1986-87, nine justice court judges, including one circuit judge, were available for assignment averaging two weeks or more per month; 15 judges, including two circuit judges, were available for assignment averaging one or more, but less than two, weeks per month; and 13 judges were available for assignment averaging less than one week per month.

While the number of justice court judges available for assignment has continued to decrease due to consolidation, increased justice court workload, or lack of financial incentive to sit on assignment, the need for additional assignable judges for all court levels has increased.

The reasons for the increase include: longer and more complex litigation causing severe calendar congestion in smaller municipal courts; insufficient judgeship positions in some courts; unfilled vacancies; new programs, such as trial court delay reduction (Assem. Bill No. 3300; Gov. Code, § 68600 et seq.) that may require assigned help; and the absence of financial incentive for retired judges to participate in the state assignments program.

Compensation Inequities

The following issues and concerns related to the service of justice court judges—to be distinguished from circuit justice court judges—on assignment were raised at the committee's October 1987 meeting:

Assigned judges are costly to receiving counties; from an economic standpoint, judges are reluctant to accept partial-day assignments; judges who accept assignments estimated to last several days may lose the balance of an assignment (and thus, income) if the case settles or defendants plead when judges arrive; and guaranteed income, and sick leave, vacation and retirement benefits, are not tied to time served on assignment.

In summary, the level of compensation for justice court judges on assignment did not appear to function as an incentive to serve and may have been inequitable.

"Regular" Justice Court Judges

(Gov. Code, §§ 68540.7, 68541(a)-(d), and 71702.)

The compensation system is complex.

Justice court judges' salaries are paid by the county (Gov. Code, § 71220) and regulated by each County Board of Supervisors (Gov. Code, § 71600). Present salaries range from $4,950 to $74,432. Part-time judges may supplement their income through the private practice of law[a] and service on assignment.

Judges assigned out of county are entitled to reimbursement for expenses incurred for travel, board and lodging on each day of service to the assigned court. (Gov. Code, §§ 68540.7 and 68547.)

In addition, delays in direct payment from receiving counties to serving judges occur, and local compensation policies vary due to counties' differing interpretations of statutes (i.e., travel compensation).

	SAME COUNTY ASSIGNMENT		OTHER COUNTY ASSIGNMENT	
	Justice Court	*Municipal Court*	*Justice Court* [b]	*Municipal Court* [b]
"Regular" Justice Court Judge	Paid circuit judge's salary[c] by county	Paid municipal court judge's salary by county	Paid circuit judge's salary; receiving county reimburses lending county judge's regular salary; receiving county pays judge the difference between his or her regular salary and circuit judge's salary	Paid municipal court judge's salary; receiving county reimburses lending county judge's regular salary; receiving county pays judge the difference between his or her regular salary and municipal court judge's salary

a Pursuant to Gov. Code § 68083, a judge of the justice court may not practice law before any justice court in the county in which he or she resides. However, in any county, the Board of Supervisors may provide by two-thirds vote that a justice court judge of that county who is designated and compensated as a full-time justice court judge shall not practice law in any court.

b Senate Bill No. 1431 (Stats. 1987, ch. 670; Doolittle) amends Government Code section 68547 as follows: If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judges' total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.

This bill seeks to equalize the salary received by assigned "regular" justice court judges and circuit judges. A "regular" judge would receive a full municipal court judge's salary for days served on assignment in municipal court *and* his or her regular salary to the extent that the judge's total salary did not exceed that of a municipal court judge. The bill does not address retirement credits, vacation and sick leave or guaranteed income. Existing statutes governing the reimbursement of "regular" justice court judges on assignment were not amended.

c A circuit justice court judge receives the salary of a municipal court judge (Gov. Code, § 71702).

The perceived inequity rested in part in the distinction between the form and level of compensation received by "regular" justice court judges and that received by circuit justice court judges.

Circuit Justice Court Program

Article 3 of title 8, chapter 7 of the Government Code (§§ 71700-71704) governing the "circuit justice court judge" program was adopted at the request of the Judicial Council following the decision in *Gordon* v. *Justice Court* (1974) 12 Cal.3d 323.[1]

The purpose of the legislation was to provide a cadre of full-time attorney justice court judges to assist in justice courts presided over by lay judges to hear matters for which the latter judges may have been disqualified under *Gordon*.

In summary, the system results in a compensation disparity between "regular" and circuit judges for the same service in two major respects: "Regular" justice court judges do not receive a guaranteed monthly income at a municipal court judge salary level, and "regular" judges do not receive retirement credits or vacation and sick leave benefits based upon service on assignment.[2]

Reviewing the Circuit Judge Program

The committee requested staff to report on a proposal to expand the circuit judge program as a solution to the above problems. At its November 6 meeting, the staff reported the following:

An analysis of AOC statistics indicated that although a "need" for more assignable judges may be established, the actual number of additional circuit judges required in 1988 was difficult to estimate.

Three separate methods were used in an attempt to predict that number.

One was to calculate the need for assigned judges in the municipal courts. This estimate was made by the AOC Court Consultative Services Unit by comparing authorized judgeship positions with estimated need for judgeship positions based on the weighted caseload methodology for the calendar years 1985 and 1986. Based upon that comparison, 125 additional municipal court judicial positions were needed in 1985 and 114 additional judges were needed in 1986.

The judge-year equivalents served by justice court judges on assignment to municipal courts during 1985 and 1986 were then calculated. In both years, 10.5 full-time judge-year equivalents were served by justice court judges in out-of-county municipal courts.

It was thus shown that the judge-year equivalents served by justice court judges on assignment to out-of-county municipal courts in both 1985 and 1986, when doubled by a roughly equivalent amount of time served by judges other than justice court judges, was only a fraction of that amount needed to "bridge the gap" between authorized and needed positions.

This analysis appears to conclude that the need for assigned judges to the municipal courts would have been met in 1985 and 1986 had service by justice court judges been multiplied by a factor of roughly 10.[3]

The analysis also suggests that at least 20 circuit judges (2 weeks per month service x 20 = 10 full-time judges) would be required to maintain 1985 and 1986 levels of assignment service to out-of-county municipal courts alone.

A second method was to tabulate unfilled requests for assigned judges. Using records reflecting the period from April to October during 1986 and 1987, the AOC Assignments Unit

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1 Gov. Code, § 71700 et seq., authorizing circuit justice court judges, was enacted in 1974 and became operative in February 1975 as an "interim solution for a judicial crisis" created by the decision in *Gordon* v. *Justice Court* (1974) 12 Cal.3d 323. In that case the Supreme Court held that a defendant charged with an offense carrying a possible jail sentence must, absent a waiver, be provided an attorney judge.

Section 71700 provided that a maximum of 22 new circuit court judges could be appointed by the Governor in non-attorney judge districts, after a finding of necessity made by the Judicial Council. No finding of necessity was made and no appointments were made under this section. The term for any judges appointed under section 71700 would have expired in January 1977.

Section 71702 provided for certification by the Chairman of the Judicial Council of incumbent justice court judges to act as circuit justice court judges. The number of certifications under this section was limited only by available funding, the number of eligible judges and the need for their services. Judges certified under section 71702 were required to have been members of the bar for five years and to assume inactive bar status.

Between April and June 1975, 30 attorney justice court judges were certified by Chief Justice Donald R. Wright to act as circuit judges for terms expiring in January 1977.

Substantial state and local efforts to achieve lower court reorganization occurred between 1974 and 1977. Of the 213 justice courts existing at the time of the *Gordon* decision, 111 remained in 1977. During this period, concurrent with local consolidation efforts, Chief Justice Wright appointed an Advisory Committee on Justice Court Organization to seek solutions to three major problems facing the justice court system: 1) the need for assignable justice court judges (this included a review of inequities in assignment pay), 2) the problems created by a part-time law practice, and 3) the jurisdictional and procedural differences between justice and municipal courts. In March 1976, the Judicial Council adopted the following recommendations of the advisory committee:

1. The state should continue the funding of 15 state-paid, full-time circuit justice court judges;
2. The state should provide for more equitable compensation for a justice court judge sitting on assignment in another justice court; and
3. The jurisdictional and procedural differences between justice and municipal courts should be eliminated.

Legislation incorporating all three proposals was enacted and became effective January 1, 1977.

In January 1977, 15 justice court judges, 14 of whom had been previously certified, were certified to act as circuit judge by orders that provided: "This certification shall remain in effect until otherwise ordered by the Chairman of the Judicial Council."

Although requests for certification have been received throughout past years, no certifications have been issued since 1977. By attrition, the number of circuit judges has decreased to three.

Present Gov. Code, § 71702 remains in effect until January 1, 1990, unless that date is deleted or extended by statute. Section 71702 operative January 1, 1990, would provide that circuit judges receive an annual salary of $30,000.

2 *Ibid.*

3 This analysis relies only upon the weighted caseload methodology and does not account for factors such as the condition of calendar and court productivity.

Circuit Justice Court Judges

(Gov. Code, § 68541(a)-(b) and Cal. Rules of Court rules 781, 782 and 783.)

Circuit justice court judges presently receive the annual salaries of municipal court judges (Gov. Code, §§ 71702, 68202(b), 68203), which are paid by the judges' counties and reimbursed by the state "from any funds made available to the Judicial Council for the assignment of judges" (Gov. Code, § 71702(b)). However, state reimbursements may only be claimed for services rendered in justice courts (see Cal. Rules of Court, rule 781).

An assigned circuit judge is thus less costly than a "regular" justice court judge to a receiving county when the assignment is to a justice court; a receiving county pays the same amount for a circuit judge and a "regular" justice court judge assigned to a municipal court, but the procedure for payment differs. And, although home counties of circuit judges provide benefits based upon full-time service, they do not pay the salaries of their circuit court judges assigned to justice court service.

Retirement, sick leave and vacation benefits, while tied to county programs, are based upon full-time service at a salary of $74,432.

	SAME COUNTY ASSIGNMENT		**OTHER COUNTY ASSIGNMENT**	
	Justice Court	*Municipal Court*	*Justice Court*	*Municipal Court*
Circuit Justice Court Judge	No extra compensation or reimbursement	No extra compensation; deduct from state circuit judge reimbursement; county pays for municipal court service	No extra compensation or reimbursement	No extra compensation; deduct from state reimbursement to lending county; circuit judge salary receiving county reimburses lending county for time served in receiving county

tabulated the number of days of assistance requested by municipal and justice courts that remained unfilled due to lack of judicial resources (figures for justice court requests in 1986 were unavailable).

This procedure indicated that 560 days of assistance were requested by municipal courts but not filled in 1986 and 676 days were requested but not filled in 1987. In 1987, 60 days were requested by justice courts but not filled.

These figures indicate that approximately 20 additional weeks of service per month would have filled the need for assistance in the municipal and justice courts as measured by recorded unfilled requests between April and October 1987.[4] It should be noted that courts may call the Assignments Unit to request assistance but may not submit a formal request when advised of a current backlog.

These figures also suggest that the need for assigned judges has increased over the past two years. Whereas an increase in the number of unfilled requests for assistance might indicate either increased need for assigned judges, decreased availability of assignable judges, or both, it is known that the number of assignable active justice court judges listed with the AOC has decreased (from 51 in fiscal year 1985-86 to approximately 37 in fiscal year 1986-87) and the effect that decrease has had on the number of unfilled requests can be estimated.

Active justice court judges were assigned to serve 3,211 days in municipal and justice courts between October 1, 1985, and September 30, 1986. They were assigned to serve 3,043 days between the same period in 1986-87. The 168-day decrease in total number of days served between October and September in the years compared does not fully account for the dramatic increase in the number of unfilled requests for assistance between April and October of those two years.

Consequently, it appears that the marked increase in the number of unfilled requests for assistance is only minimally attributable to decreased availability of assignable judges.

4 A total of 736 days of assistance requested but unfilled, divided by seven months (100 days per month) divided by 5 days per week (20 weeks).

This analysis suggests that at least 10 circuit judges (20 weeks per month divided by 2 weeks service per judge per month) would be required to fill assignments needs *over and above* the present level of service.

The third method used was the 1976 calculation, as modified.
In March 1976, the Advisory Committee on Justice Court Organization appointed by Chief Justice Donald R. Wright recommended that the Judicial Council seek funding for the continuation of the circuit justice court judge program at a level of 15 judges.

The Court Consultative Services Unit modified the methodology used to estimate the number of full-time circuit justice court judges that might be required in 1977 to estimate the number of full-time circuit judges that might be required in 1988.

According to the *1987 Annual Report*, it is known that 1,745 days of assistance were received by justice courts in fiscal year 1985-86.[5] Justice court judges provided 1,396 days or 80 percent of that assistance.

Municipal Courts received 5,745 days of assistance during fiscal year 1985-86 and justice court judges provided 3,217 days or 56 percent of that assistance.

In view of the fact that not all requests for assistance could be met during this period, it is assumed that the municipal courts will require the same level of assistance from other courts in 1988.[6]

Although there will be at least four fewer justice courts in 1988 (from 83 justice courts in 1985-86 to 79 justice courts in 1987-88), this analysis assumes that the days of assistance supplied to the municipal courts by justice court judges will remain at approximately 3,217 days. These days, added to the 1,396 days of assistance needed for justice courts, would total 4,613 days.

There appeared to be, at a minimum, a need for 30 circuit justice court judges. Assuming that a circuit justice court judge devoted, on average, 50 percent of his or her time to a home court and 50 percent on assignment, this would provide 3,225 days (0.50 x 215 days x 30 judges) of assistance.

Even with this assistance, there still would be an estimated deficit of 1,388 days (4,613 days-3,225 days).

Active Justice Court Judges Surveyed

A telephone survey was conducted by the Assignments Unit from October 13 to 23, 1987, to determine whether and to what extent expansion of the circuit judge program would result in the availability of justice court judges for the statewide assignment program.

Of the 75 active justice court judges who were not currently circuit judges, 64 responded to the telephone survey, 1 responded in writing and 10 either were unable to be reached by telephone or did not respond in writing.

Of the 65 judges surveyed, 44 responded that they would be interested in being certified as a circuit judge. Of that number, 5 judges indicated that they would be available for assignment more than 15 days per month, 11 indicated that they would be available from 11-15 days per month, 14 indicated that they would be available from 6-10 days per month and 14 indicated that they would be available from 1-5 days per month.

Expansion of the circuit judge program would thus result in a greater number of justice court judges willing to serve on assignment and higher levels of service per judge than is now available.

Of the 65 judges surveyed, 17 were engaged in the practice of law. Only one would not give up practice in order to become a circuit judge.

Program Expansion Recommended

The AOC's above analyses indicated a clear need for more circuit judges and that expansion of the circuit judge program would result in greater availability of justice court judges for assignment purposes.

The committee also considered several other factors related to expansion of the circuit judge program, such as funding, geographic areas of need and workload of judges indicating a willingness to become circuit judges.

Despite some difficulties in estimating the number of circuit judges required to fill present and future needs for assignable judges, the three methods described indicated that *at least* 30 circuit judges are needed to maintain services at the 1986 level, which may not even be adequate.

The Judicial Council on November 21, 1987, approved the committee's recommendation to seek funding for the expansion of the circuit justice court judge program to a level of 30 judges, and to seek legislation extending the sunset clause under current Government Code section 71702.

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5 This figure includes back-up assistance furnished to justice courts for judges assigned to municipal courts.

6 The level of asistance needed by the municipal courts may be affected by the 34 new judgeships created by trial court funding (Sen. Bill No. 709).

CHAPTER 14

CHANGES IN THE CALIFORNIA RULES OF COURT

During 1987, the Judicial Council adopted 21 amendments to the appellate and trial court rules and the recommended Standards of Judicial Administration.

Appellate Rules

Notice of election to use appendix method reporter's transcript when appendix method is used (rule 5.1)

Rule 5.1(a) was amended (1) to require the party electing the appendix method to serve a copy of the notice of election and of any designation of a reporter's transcript on the clerk of the Court of Appeal and (2) to conform the appendix method (in lieu of a clerk's transcript) to the long-standing provisions of rule 5(f), which prevent a respondent from compelling preparation of a reporter's transcript if the appellant did not order one.

Returned checks (rule 10)

Rule 10(a) was amended to treat a bank's return of a check for the filing fee in the same way as an initial failure to pay the fee. If the default is not cured within 15 days of notice from the clerk of the Court of Appeal, the appeal may be dismissed.

Service of criminal defendants' briefs on defendants (rule 37)

Rule 37(a) was amended to require a defendant's brief to be sent to the defendant unless service is expressly waived by the defendant in writing.

Appeal in action to free child from parental custody (rule 39)
Rule 39 was amended to make it applicable to appeals in actions under Civil Code section 232 to declare a child free from parental custody and control. Previously the rule was only applicable to appeals from the juvenile court.

Special appeal rules for dependency and freedom from custody appeals (rule 39.1)
Rule 39.1 was adopted for appeals under Civil Code section 232 and Welfare and Institutions Code section 300. It requires the clerk to give notice of the filing of the appeal and exempts the appeals from the requirement that a copy of the record and briefs be served on the People and that copies of the briefs be delivered to the Supreme Court.

Appeals in cases seeking waiver of parental consent re abortion (rule 39.3)
Rule 39.3 was adopted to provide procedure for appeals in cases seeking waiver of parental consent for abortions on unemancipated minors under Health and Safety Code section 25958. The rule requires the appeal record to be prepared within two court days and hand-carried or transmitted by express mail to the reviewing court. The hearing may be tape recorded and the tape recording may constitute the transcript on appeal.

LPS conservatorship appeals (rule 39.4)
Rule 39.4 was adopted to define the record on appeal in a conservatorship proceeding under Welfare and Institutions Code section 5350 (Lanterman-Petris-Short Act), and to state special rules applicable to these appeals.

Record supporting application for writ (rule 56)
Rule 56 was amended to restate the material needed to constitute an adequate record for writ review of trial court action (see *Sherwood* v. *Superior Court* (1979) 23 Cal.3d 183) and to require index-tabbing and consecutive pagination of each exhibit to the petition. A modification was made to the proposal previously published for comment to make it clear that the consecutive pagination requirement does not mean that all exhibits must be paginated consecutively to one another as in a clerk's transcript, but only that each exhibit be paginated.

Trial Court Rules and Standards
Limiting the filing of papers (rules 201.5 and 501.5)
New rules 201.5 (superior courts) and 501.5 (municipal and justice courts) were adopted to curtail the filing of routine and inessential papers. The rules specify the papers that may not be routinely filed. Filing is permitted if ordered by the court for good cause or if relevant to an issue in a law and motion proceeding or other hearing.

Voir dire (rule 228 and Standards of Judicial Administration section 8.5)
Rule 228 and Standards of Judicial Administration section 8.5 were amended to exempt pilot project courts utilizing judge-conducted voir dire (Pen. Code, § 1078(b)) from the standard voir dire procedures.

Procedure in cases involving waiver of parental consent re abortion (rule 240)
Rule 240 was adopted to provide a procedure for cases involving waiver of parental consent for an abortion on an unemancipated minor under Health and Safety Code section 25958. The rule provides for expedited handling of the petition and hearing and confidentiality of the proceeding.

Stipulations for temporary judges (rules 244 and 532)
Rules 244 and 532 were amended to streamline the appointment of temporary judges. The amendments (1) permit the order designating a temporary judge to be signed by the supervising judge in a branch court, (2) allow a temporary judge to execute a blanket oath, and (3) allow the court to sign a blanket order designating a temporary judge.

Rules on discovery and discovery motions (rules 331, 333, 335, 337, 339 and 341)
Rules 333, 339 and 341 were repealed because their substance has been incorporated in the revised discovery statutes. Rules 331, 335 and 337 were amended to provide for the format of supplemental, amended or further discovery, the service of papers on a nonparty deponent and the format of discovery motions.

Word processor produced forms (rule 982.9, renumbered from rule 1280)
Rule 1280 was renumbered as rule 982.9 and amended to permit the use of a typewriter or word processing printer to produce the mandatory Proof of Service (Summons) form (rule 982(a)(23)). Special requirements for the word processor version of the form were adopted. The rule was also amended to extend its expiration date through December 31, 1988, to allow further review of the experience of judges with the forms, especially with regard to objections to their readability and clarity.

Arbitration amount increased to $50,000 (rules 1600, 1600.5 and 1601)
Rules 1600, 1600.5 and 1601 were amended to conform to recent legislation that increases the eligibility of cases for judicial arbitration from those with $25,000 in controversy to those with up to $50,000 in controversy.

Arbitration rules not a mandate independent of statute or board of supervisors resolution (rule 1600.1)
Rule 1600.1 was adopted to clarify that the arbitration rules do not constitute a mandate unless statewide legislation or a resolution of the board of supervisors is in effect mandating the arbitration program. This change was made to ensure consistency with recent legislation that suspended the state-mandated arbitration program during the period January 1 through June 30, 1988, but authorizes locally mandated programs pursuant to resolutions of the board of supervisors during that period.

Local procedures for selecting an arbitrator (rule 1605.5)
Rule 1605.5 was adopted to encourage local courts to establish local procedures to ensure that all steps in selecting an arbitrator take place at or immediately after the conference at which the court determines the amount in controversy and that the case is suitable for arbitration.

Arbitration: relaxed evidence rule expanded (rule 1613)
Rule 1613(b) was amended to permit the admission of documents typical of business contract disputes in court-annexed arbitration hearings under the relaxed requirements for admissibility already stated in that rule. This action was taken in order to facilitate the use of court-annexed arbitration in commercial disputes.

Eight-member civil jury experiment in Los Angeles County (rule 1860)
Rule 1860 was adopted to implement an experimental project to compare the performance of eight-member and twelve-member juries in designated municipal courts in Los Angeles County. The experiment is required by legislation (Stats. 1986, ch. 1337, amending Code Civ. Proc., § 194.5).

Case disposition time standards (Standards of Judicial Administration, sections 2 and 2.1)
Sections 2 and 2.1 of the Standards of Judicial Administration were adopted to provide statewide standards for the timely disposition of civil and criminal cases in superior courts. The standards, required under the Trial Court Delay Reduction Act (Stats. 1986, ch. 1335) provide that from July 1, 1987, through June 30, 1988, civil cases should have a total elapsed processing time of no more than four years from filing to disposition and felony cases should have a total elapsed processing time of no more than one year from first court appearance to disposition. The standards also provide, pursuant to policies recommended by the American Bar Association, that the court should control the pace of litigation. American Bar Association Standard Relating to Court Delay Reduction 2.52 was adopted effective July 1, 1991.

Suggestions for proceedings involving waiver of parental consent re abortion (Standards of Judicial Administration, section 23)
Section 23 of the Standards of Judicial Administration was adopted to suggest procedures for the expeditious and confidential conduct of proceedings involving waiver of parental consent for an abortion on an unemancipated minor under Health and Safety Code section 25958. That section also suggests that courts provide an information sheet which should be translated into appropriate languages and made widely available throughout the county.

CHAPTER 15

JUDICIAL COUNCIL LEGAL FORMS

During 1987, the Judicial Council approved 36 new and revised forms for statewide use in the courts and revoked 2. The forms were prepared and recommended for approval by the Judicial Council Advisory Committee on Legal Forms, a statewide committee with representation from the State Bar, the judiciary and the court clerks' offices.

Camera-ready masters of the new and revised forms were sent to the trial courts, allowing each court to reproduce the forms for local use. Several legal publishers reproduce and supply the forms.

An explanation of the new forms and background on the changes to existing forms follow.

General Legal Forms (Rule 982)

Civil Subpena forms

In response to the Civil Discovery Act of 1986 (Stats. 1986, ch. 1334), the council revised the mandatory Civil Subpena form (rule 982(a)(15)) and adopted two new subpena forms for mandatory use. The previous subpena form was designed for both pretrial discovery and trial use. Changes were necessary because the new law contains some requirements that apply only to personal appearance depositions and other requirements that apply only to records production. The two new forms are Deposition Subpena—Personal Appearance (rule 982(a)(15.1)) and Deposition Subpena—Business Records (rule 982(a)(15.2)).

In Forma Pauperis forms

The Information Sheet on Waiver of Court Fees and Costs (rule 982(a)(A)) was revised to reflect the new poverty income guideline figures published by the United States Secretary of Health and Human Services.

Proof of Service of Summons form
A new mandatory Proof of Service (Summons) (rule 982(a)(23)) was adopted as required by section 417.10(f)of the Code of Civil Procedure. The council authorized continued use of the proofs of service on the backs of all current summons forms. The council also authorized use of a word processor version of the new proof form if the word processor version complies with rule 982.9(a)(3) of the California Rules of Court (see chapter C, above).

Family Law Forms

General Family Law forms (Rule 1280 et seq.)
Several family law forms were revised. The Temporary Restraining Orders (rule 1285.05) was revised in conformance with the orders requested in the application.

The Application for Order and Supporting Declaration (rule 1285.20) was revised to permit a request of restraining orders against either party or the request of mutual restraining orders. A request for an order shortening time was added.

The Responsive Declaration to Order to Show Cause (rule 1285.40) was revised to allow more precise responses to the application.

Minimum Child Support forms
Two forms used in calculating minimum child support were revised to reflect changes in the AFDC minimum basic standards of care as approved by the California Department of Social Services. The forms are the Minimum Child Support Worksheet (rule 1285.25) and Appendix A of the Minimum Child Support Information Booklet (rule 1285.25(B)).

Simplified Modification of Support forms
In response to legislation (Stats. 1987, ch. 1086), eight child support modification forms were revised to allow them to be used in simplified spousal support modification proceedings. The following forms were revised:

- ☐ Notice of Request to Change Support Order (rule 1285.30)
- ☐ Information Sheet—New and Simplified Way to Change Child or Spousal Support (rule 1285.30(A))
- ☐ Notice of Hearing and Notice of Opposition to Request to Change Support Order (rule 1285.32)
- ☐ Information Sheet—How to Oppose a Request to Change Child or Spousal Support (rule 1285.32(A))
- ☐ Order Changing Support (Uncontested) (rule 1285.34)
- ☐ Order Changing Support (Contested—No Attorneys) (rule 1285.36)
- ☐ Proof of Service (Simplified Support Modification) (rule 1285.38)
- ☐ Certificate of Filing with District Attorney (rule 1285.39)

Abortion forms (Rule 240)
In response to legislation requiring unemancipated minors to have the written consent of a parent or a court order waiving parental consent before obtaining an abortion (Stats. 1987, ch. 1237), seven forms were adopted to implement the court procedure. (For a report on rules, see chapter C, above.) The new forms are as follows:

- ☐ Petition for Waiver of Parental Consent re Abortion (AB-100)
- ☐ Questionnaire and Declaration of Petitioner (AB-105)
- ☐ Confidential Affidavit of Minor (AB-110)
- ☐ Declaration Regarding Maturity and Best Interest (AB-115)
- ☐ Findings and Order re Abortion Without Parental Consent (AB-120)
- ☐ Order Authorizing Abortion Without Parental Consent (AB-125)
- ☐ Notice of Appeal (AB-130)

Probate Forms

In response to legislation reforming parts of the Probate Code (Stats. 1986, ch. 783), the Judicial Council revised two probate forms, approved three new forms, and revoked two forms.

The Community Property Petition (DE-220) and the Community Property Order (DE-225) were revoked, and the Spousal Property Petition (DE-221) and Spousal Property Order (DE-226) were revised. The revised spousal property forms may be used to transfer property to a surviving spouse no matter when the deceased spouse died (Prob. Code, § 13505).

The new Affidavit re Real Property of Small Value (DE-305) is to be used to establish title to real property worth $10,000 or less without the need for further administration (Prob. Code, § 13200 et seq.). The form is mandatory (Prob. Code, § 13209).

A new procedure allows claimants to real property to petition the court for an order determining their right to succeed to the property without further administration (Prob. Code, § 13150 et seq.). The council approved for optional use the Petition to Determine Succession to Real Property (Estates $60,000 or Less) (DE-310) and the Order Determining Succession to Real Property (Estates $60,000 or Less) (DE-315).

Miscellaneous Forms

Form Interrogatories and Request for Admissions
Anticipating increased use of the form interrogatories because of the new Civil Discovery Act (Stats. 1986, ch. 1334), the council approved technical changes to the following optional forms:

- ☐ Request for Admissions (FI-100)
- ☐ Form Interrogatories (FI-120) (superior courts only)
- ☐ Form Interrogatories—Unlawful Detainer (FI-128)
- ☐ Form Interrogatories—Economic Litigation (FI-129) (municipal and justice courts only)

Crime Victims' Compensation Pamphlet
The information sheet on crime victims' compensation was revised to reflect legislative changes and to make certain provisions more clear. The Judicial Council is required by Penal Code section 1191.2 to prepare the information pamphlet for probation officers to distribute to crime victims. The pamphlet is published in English and Spanish.

CHAPTER 16

SUMMARY OF 1987 LEGISLATION

The final hours of the 1987 session saw passage of legislation to implement state funding of the trial courts, commencing with the 1988-89 budget year. Although a number of other measures had proposed state funding plans, Senate Bill No. 709 (Lockyer) was amended in its last fiscal committee to provide for the implementation of chapter 1607, Statutes of 1985.

Enactment of the state funding legislation was predicated on a number of improvements in court procedure, including establishment of a juror voir dire experiment and the use of teleconferencing procedures, required by Assembly Bill No. 2294 (Killea).

Judicial arbitration was affected by several measures during the year.

The budget trailer bill (Assem. Bill No. 439—Vasconcellos) eliminated the state mandate supporting judicial arbitration programs. However, Assembly Bill No. 846 (Stirling) was then enacted to extend the mandate through the end of 1987. The mandate is reestablished effective July 1, 1988, by the state funding legislation (Sen. Bill No. 709).

Finally, as part of the compromise reached during the closing hours of the session on tort liability, judicial arbitration was extended to controversies involving up to $50,000 by Assembly Bill No. 1173 (W. Brown).

Assembly Bill No. 846 (Stirling) authorizes early implementation of delay reduction rules in San Diego County and funding for case tracking programs in the delay reduction pilot counties. In addition, Senate Bill No. 379 (Presley), with the goal of clearing unnecessary actions from court calendars, authorizes an experimental rule with more stringent sanctions governing abuse of judicial process and permitting the prevailing party to recover attorney's fees in San Bernardino and Riverside Counties.

In the family law area, expansion of domestic relations mediation is provided by Senate Bill No. 907 (Lockyer) and extended judicial education programs are required by Senate Bill No. 1209 (Roberti). Dependency procedures are revised by Senate Bill No. 243 (Presley).

Penalty Assessments
The following bills expanded the use of penalty assessments.

Senate Bill No. 12, introduced by Senator Ken Maddy, permits counties to add a $1 assessment to all fines and forfeitures to fund county emergency medical services. The bill was enacted as chapter 1240.

Senate Bill No. 1148, by Senator Marian Bergeson, which authorizes an assessment to fund automated fingerprint identification systems, was enacted as chapter 1239.

Assembly Bill No. 1223, by Assembly Member Calderon, increases the assessment for the benefit of the restitution fund and was enacted as an urgency measure effective September 27, 1987, chapter 1232.

Assembly Bill No. 1455 by Assembly Member Hannigan authorizes the Boards of Supervisors of Solano and Orange Counties to establish an assessment for jail transition planning trust funds and was enacted as an urgency measure effective July 30, 1987, chapter 300.

Senate Bill No. 349 by Marian Bergeson imposed an additional assessment and increased parking surcharges for courthouse and criminal justice facilities in 21 counties, but the bill was partly chaptered out, and only the surcharges became effective in a number of counties as chapter 1082.

Civil Tort Reform
Senate Bill No. 241, introduced by Senator Lockyer, was amended in the closing hours of the session to become the focus of a compromise, changing product liability, punitive damages and other aspects of tort law. The bill was enacted as chapter 1498.

Juvenile Dependency Hearings
Senate Bill No. 243, introduced by Senator Presley, generally revises procedures relating to juvenile court dependency hearings, providing for termination of parental rights by the juvenile court and requiring appointed counsel to represent minors and the parent or guardian if the minor is placed in out-of-home care. The bill was enacted with partially delayed effective dates as chapter 1485.

Temporary Court Commissioners
Senate Bill No. 369, introduced by Senator Boatwright, prescribes the qualifications of part-time commissioners. These previously had been established in Contra Costa and Napa Counties on an experimental basis. The bill was enacted as chapter 428.

Settlement Incentives Project
Senate Bill No. 379, introduced by Senator Presley, establishes experimental procedures in Riverside and San Bernardino Counties that govern the award of attorney's fees and the sanctions for improper delay tactics in civil cases. The Judicial Council is to determine whether the experimental award of attorney's fees to the prevailing party in contract actions and the imposition of sanctions for delay tactics will result in reduced caseloads, fewer frivolous actions, and speedier settlements. The bill was enacted as chapter 1003.

Contempt; County Officials
Senate Bill No. 433, introduced by Senator McCorquodale, requires the stay of any order of contempt affecting members of the Board of Supervisors or other county government officials for acts pursuant to constitutional or statutory authority. The bill was enacted as an urgency measure effective March 11, 1987, chapter 3.

Out of County Jury
Senate Bill No. 445, introduced by Senator Kopp, permits a court, on the unanimous consent of all defendants, to accomplish a change of venue by selecting the jury in the county to which venue would otherwise have been transferred and by moving the jury to the court where the action is pending. The bill was enacted as chapter 780.

Trial Court Funding
Senate Bill No. 709 was introduced by Senator Lockyer. Beginning with the 1988-89 fiscal year, it provides for the state funding of trial courts at the option of counties through a system of block grants and state contributions to the salaries of municipal and superior court judges. The bill also reestablishes state-mandated judicial arbitration, provides for 109 additional trial and appellate judges, and experimental voir dire projects in Santa Clara, Santa Cruz and Fresno Counties. In addition, for violent felony offenses, it permits an additional opportunity to refile charges following dismissal. Also included are provisions for the funding of certain cities from county property taxes. The measure was enacted with delayed effective dates as chapter 1211.

Dissolution Actions
Senate Bill No. 907, introduced by Senator Lockyer, authorizes mediation petitions in dissolution matters relative to existing orders for custody and visitation. It gives courts indefinite jurisdiction to award support in marriages of long duration and provides a simplified procedure for modification of spousal support orders. The bill also directs the Administrative Office of the Courts to review pamphlets describing procedures for support collection. The bill was enacted as chapter 1086.

Family Law Training
Senate Bill No. 1209, introduced by Senator Roberti, requires the Judicial Council to establish training programs for judges, referees, commissioners, mediators and others who perform duties in family law matters. The programs include studying of the effects of gender on family law proceedings and of the economic effects of dissolution. The bill was enacted as chapter 1134.

Assigned Justice Court Judges
Senate Bill No. 1431, introduced by Senator Doolittle, equalizes the salary of justice court judges when sitting on assignment with the salary of the court to which they are assigned. The bill was enacted as chapter 670.

Lawyer Referral Services
Assembly Bill No. 29, introduced by Assembly Member Killea, tightens regulation of lawyer referral services. The bill provides that, with Supreme Court approval, the State Bar may require lawyer referral services to pay application and renewal fees for certification. This includes nonprofit lawyer referral services within exemptions from civil liability granted under existing law to professional societies. The bill was enacted as chapter 727.

State Mandate Repeals
Assembly Bill No. 439, introduced by Assembly Member Vasconcellos, eliminated various mandates that related to court operations, including compensation of trial jurors at $10 per day, and requirements that probation reports contain a victim's statement and that probation officers file juvenile court petitions with the district attorney in certain cases. The bill also requires the State Personnel Board, rather than the superior court of each county, to publish the list of recommended court interpreters. And until Assembly Bill No. 846 (Stirling) became effective (see Sen. Bill No. 1386—Montoya) the bill deleted the state mandate requiring judicial arbitration in certain courts. The bill was enacted as an urgency measure, chapter 134.

Survey of Lawyer E&O Coverage
Assembly Bill No. 483, introduced by Assembly Member Connelly, requires the State Bar to survey lawyers on matters relating to legal malpractice insurance. The bill was enacted as an urgency measure, chapter 557.

Collection of Fines
Assembly Bill No. 569, introduced by Assembly Member Leslie, permits a fine imposed as a condition of probation to be enforced as a civil money judgment. The bill was enacted as an urgency measure, chapter 454.

Bail Schedule; Seriousness of Offense
Assembly Bill No. 630, introduced by Assembly Member Stirling, directs the judges of each county to revise bail schedules annually, and requires consideration of additional bail for aggravating or enhancing factors chargeable in the complaint, with the protection of the public as the primary consideration. Where drug offenses are alleged, the amounts of substances involved should be considered. The bill was enacted as chapter 644.

Voir Dire
Assembly Bill No. 631, introduced by Assembly Member Stirling, clarifies court control of the content, form and duration of voir dire examination. It prohibits questions intended solely to educate the jury panel, or to accomplish any other improper purpose. The bill was enacted as chapter 737.

Freeway Speed Limits
Assembly Bill No. 669, introduced by Assembly Member Katz, increases the maximum speed limit on specific sections of interstate freeways from 55 mph to 60 or 65 mph as permitted by federal law. The bill was enacted as an urgency measure, chapter 25.

Central Mail Service
Assembly Bill No. 727, introduced by Assembly Member Lancaster, authorizes a government agency or private business to effect service of process by mail by directing employees to deposit certain documents into the entity's centralized mail system for delivery to the U.S. Postal Service by their regular mailroom staff. The bill was enacted as chapter 190.

Delay Reduction; Judicial Arbitration
Assembly Bill No. 846, introduced by Assembly Member Stirling, authorizes a majority of San Diego County Superior Court judges to adopt local rules of court for civil case tracking under the Trial Court Delay Reduction Act of 1986. It extends judicial arbitration (which had become a local option pursuant to Assembly Bill No. 439—Vasconcellos) until January 1, 1988, and appropriates $225,000 to the Judicial Council for allocation to courts participating in the Trial Court Delay Reduction Project. The bill was enacted as an urgency measure, chapter 238.

Clerks Omnibus Bill
Assembly Bill No. 848, introduced by Assembly Member Frazee, deletes provisions requiring the clerk to mail copies of temporary restraining orders to certain law enforcement agencies. It authorizes destruction of registers of actions without microfilming and provides that microfilmed minute book entries, minute books, and judgment books constitute the record for all purposes in lieu of records, papers, and exhibits destroyed. The bill also authorizes the clerk of the superior court to destroy all or a portion of the register of actions, and gives statutory recognition to the use of a facsimile signature initialed by the deputy in filing certain court documents. The bill was enacted as chapter 1493.

Ticket Fixing; Speed Violations
Assembly Bill No. 1032, introduced by Assembly Member Stirling, restores established subsection references in the prohibition against speeding over 100 mph and lane changes by trucks. The bill also prohibits the alteration or destruction of notices of violation or parking citations by law enforcement officers and establishes a procedure for dismissal of charges. The bill was enacted as an urgency measure, chapter 72.

Tort Liability Omnibus Bill
Assembly Bill No. 1173, authored by Assembly Member Willie Brown, increases the judicial arbitration limit to $50,000. It immunizes members of city councils and other local entities from liability for certain injuries, requires claims to be made to government entities within 6 months after accrual, and revises methods of satisfying judgments against public entities. Assembly Bill No. 1173 incorporates the provisions of Assembly Bill Nos. 344, 1909, 1912, and 2616, and Senate Bill Nos. 23, 1382, 1526, and 1598, which were enacted on public liability issues. The bill was enacted as chapter 1201.

Youthful DUI Visitation Program
Assembly Bill No. 1400, introduced by Assembly Member Duplissea, establishes guidelines for judges to order youthful offenders to make supervised visits to emergency medical care facilities, coroner's facilities or chronic alcoholism treatment centers to witness the aftermath of vehicle accidents caused by drinking/drugged drivers. The bill was enacted as chapter 166.

Oral Orders Against Domestic Violence
Assembly Bill No. 1599, introduced by Assembly Member Speier, requires a judge, commissioner, or referee to be available in each county to orally issue emergency protective orders against domestic violence when the court is not in session. Police and sheriff's officers would reduce the orders to writing. The emergency order may continue in effect until the close of business on the next judicial day. The bill was enacted as chapter 758.

Costs of Emergency Response
Assembly Bill No. 1612, introduced by Assembly Member O'Connell, requires the court to consider whether restitution to the public agency for the cost of emergency response should be a condition of probation. The bill was enacted as chapter 713.

Truth in Sentencing
Assembly Bill No. 1731, introduced by Assembly Member Areias, requires the court, at the time of sentencing in felony cases, to state that the law permits the award of credits against a sentence for presentence incarceration, for good conduct and for work time. The probation officer must provide an estimate of the credits to which a defendant may become entitled, which shall become a part of the court record. The bill was enacted as chapter 1247.

DUI Ignition Interlocks
Assembly Bill No. 2098, introduced by Assembly Member Peace, permits a court in Alameda, Sonoma, and San Diego Counties to use a portion of the fine imposed for driving under the influence to defray the cost of the ignition interlock pilot program. The bill was enacted as chapter 719.

Judicial Order for Minor's Abortion
Assembly Bill No. 2274, introduced by Assembly Member Frazee, requires an unemancipated minor to petition the superior court for approval if she seeks an abortion and is unable or unwilling to obtain consent from a parent or guardian.

Appearance by Telephone
Assembly Bill No. 2294, introduced by Assembly Member Killea, permits telephone appearances on the law and motion calendar and in nonevidentiary probate hearings, subject to local rules to become effective January 1, 1989. It also directs the Judicial Council to establish a pilot project. The bill was enacted as chapter 1431.

Continuances and Precedence
Assembly Bill No. 2452, introduced by Assembly Member Bronzan, permits continuances in child abuse cases if the prosecuting attorney assigned to the case has other hearings in progress in order to facilitate vertical prosecutions. The bill was enacted as an urgency measure, chapter 461.

CHAPTER 17

SENTENCING PRACTICES ANNUAL REPORT

California's determinate sentencing law, in Penal Code section 1170.6, requires the Judicial Council to "continually study and review the statutory sentences and the operation of existing criminal penalties" and report its findings to the Governor and Legislature. It also requires reports on proposed legislation affecting felony sentences.

Reports on bills affecting felony sentences are forwarded to the Governor and Legislature during each legislative session by the Administrative Director of the Courts under authority delegated by the Judicial Council.

Impact of the Law

After July 1, 1977, when the determinate sentencing law became operative, dispositions by trial began to decrease and guilty pleas to increase relative to total dispositions in superior courts.

Data for 1986-87 show that guilty pleas remained at the previous year's record high of 87 percent of total dispositions. Trials remained at their historic low, 7 percent of total dispositions, and now stand about 10 percentage points lower than before determinate sentencing became effective.

In the past two years, total felony dispositions were increasing at an unusually rapid rate: from 74,591 in 1984-85 to 98,734 in 1986-87—an increase of almost one-third over the two-year period. Because of the increase in dispositions by plea, however, this increase of more than 24,000 dispositions was accomplished with only 663 more trials than in 1984-85. In fact, there were almost exactly the same number of trials in 1986-87 as there were in 1978-79, a year with half as many total dispositions (49,264).

The indicated shift of thousands of cases per year from dispositions-by-trial to dispositions-by-guilty plea is reducing overall time for criminal cases in superior courts, even after allowing for some increase in the time for sentencing proceedings under the determinate sentencing law.

Superior court time savings are offset significantly by increased appellate workload. Cases involving sentencing questions now appear in the published appellate decisions with some frequency. A recent study indicated that sentencing errors are the greatest single cause for reversals on appeal.

The courts now dispose of twice as many felony defendants as they did 10 years ago, due to a 139 percent increase in guilty pleas. (See chart, top right.)

Dispositions and Length of Sentences

The Judicial Council has compiled data through December 1986 for publication in the *Sentencing Practices Quarterly*. These publications included tables showing the type of disposition and length of prison sentences imposed upon conviction of commonly committed felonies. That information is summarized in tables titled "Prison Commitments" Per 100 "Convictions" and "Average Determinate Sentence Imposed" on the following pages, reproduced from the *Quarterly* covering 1986.

The first of these two tables shows that the rates of prison commitments for selected major crimes have not changed significantly in the past several years. The state total for all felonies is about 10 percent higher than it was in the late 1970's.

The table showing the average determinate sentence imposed for selected major crimes also indicates little significant change over the past few years, although changes in statutory penalties have caused longer term increases in sentences for voluntary manslaughter and rape.

	1977-78	*1986-87*
Total dispositions (defendants)	49,003	98,734 — +101%
Convictions by plea	35,787	85,622 — +139%
Trials	7,493	6,775 — -10%

Criminal Case Dispositions in Superior Courts

Fiscal Year	*Total Dispositions**	*Total Pretrial*	*Guilty Pleas*	*Other Pretrial*	*Total Trials*
		Pretrial			
		Number			
1977-78	49,003	41,510	35,787	5,723	7,493
1978-79	49,264	42,499	36,586	5,913	6,765
1979-80	51,281	44,924	38,690	6,234	6,357
1980-81	58,314	51,826	45,082	6,744	6,488
1981-82	60,998	53,860	47,664	6,196	7,138
1982-83	67,261	59,461	52,933	6,528	7,800
1983-84	66,535	59,825	54,217	5,608	6,710
1984-85	74,591	68,479	63,121	5,358	6,112
1985-86	R88,212	R81,993	R76,341	R5,652	R6,219
1986-87	98,734	91,959	85,622	6,337	6,775
		Percent			
1977-78	100	85	73	12	15
1978-79	100	86	74	12	14
1979-80	100	88	75	12	12
1980-81	100	89	77	12	11
1981-82	100	88	78	10	12
1982-83	100	88	79	10	12
1983-84	100	90	81	8	10
1984-85	100	92	85	7	8
1985-86	100	93	R87	6	7
1986-87	100	93	87	6	7

* Includes cases resulting in acquittal or dismissal or misdemeanor convictions.
R Revised.

Prison Commitments Per 100 Convictions, Selected Crimes, Six-Month Periods Ending December 1977 through June 1981, Six-Month Periods Ending June 1981 through December 1985, and Quarters Ending March 1984 through December 1986, California

		Crimes Against Persons				*Crimes Against Property*							*Narcotics And Drug Laws*			
Time Period	State Total –All Felonies	Homicide (see note 1)	Forcible Rape (see note 2)	Robbery	Assault with a Deadly Weapon	Burglary First Degree	Burglary Second Degree	Grand Theft (see note 3)	Grand Theft (Auto)	Forgery	Checks (NSF)	Receiving Stolen Property	Possession of Narcotics	Possession of Narcotics For Sale	Sale of Narcotics	All Drug Law Violations
Quarter Ending																
Dec. 31, 1986	44	91	96	72	46	72	48	35	51	40	30	44	31	39	28	32
Sept. 30, 1986	43	94	95	76	46	68	50	30	48	41	35	40	28	36	25	30
June 30, 1986	41	92	97	75	44	66	46	31	49	35	30	41	25	33	22	26
March 31, 1986	43	93	95	76	43	67	50	36	51	41	26	40	26	35	23	26
Six Months Ending																
Dec. 31, 1985	42	91	94	77	44	67	50	31	48	43	26	41	26	35	24	26
June 30, 1985	43	92	94	78	46	68	50	33	47	42	32	39	23	35	26	25
Dec. 31, 1984	42	88	95	76	44	65	48	34	48	39	30	38	24	35	29	25
June 30, 1984	41	86	96	74	40	62	47	31	45	44	28	33	21	37	27	23
June 30, 1981	37	83	83	68	33	55	38	27	33	36	24	30	26	32	27	21
Dec. 31, 1980	36	79	80	65	33	47	36	25	35	38	23	28	29	40	29	21
June 30, 1980	35	79	85	64	33	45	36	29	34	33	23	29	28	41	28	21
Dec. 31, 1979	34	83	75	63	32	44	35	30	30	33	24	22	25	41	29	22
June 30, 1979	34	81	71	62	29	41	33	28	29	35	21	26	28	43	35	23
Dec. 31, 1978	34	80	71	64	28	44	35	26	33	38	19	23	36	44	32	26
June 30, 1978	33	80	64	63	30	41	32	21	28	35	19	24	33	49	31	24
Dec. 31, 1977	29	72	63	59	28	37	29	20	23	31	26	22	24	40	26	20
Approximate Convictions																
In 1986	91,361	1,272	619	5,653	4,134	6,331	7,000	2,983	3,463	1,865	784	3,667	9,099	4,393	5,779	32,261
In 1985	77,100	1,100	700	5,600	3,700	5,700	6,800	3,000	2,800	1,700	700	3,400	5,400	2,700	3,000	22,600
In 1984	61,700	1,000	600	4,400	3,200	4,600	6,300	2,400	2,200	1,600	600	3,000	3,300	1,800	1,900	15,000

Note 1: For six-month periods through 1981, includes only second degree murder and voluntary manslaughter. First degree murder data were not available and thus could not be tabulated. First degree murder (and death penalties) are included in the 1984, 1985 and 1986 data.

Note 2: A high percentage of rape cases formerly received "other" dispositions. Most of those involved incarceration, either as a mentally disordered sex offender, or commitments to the Youth Authority. Probation was prohibited by Stats. 1979, ch. 944, Pen. Code §1203.065. Mentally disordered sex offender ("MDSO") commitments were prohibited for crimes committed after December 31, 1981 (Stats. 1981, ch. 928). Some MDSO commitments continue to come in on crimes committed before 1982.

Note 3: Amount over $200 through 1982, $400 thereafter or unspecified.

Average Determinate Sentence Imposed, Selected Crimes, California*

	Average Determinate Sentence Imposed — In Years									
	Voluntary Manslaughter	Assault with a Deadly Weapon	Forcible Rape (not in concert)	Robbery	Burglary First Degree	Burglary Second Degree	Grand Theft**	Forgery	Receiving Stolen Property	Possession of Narcotics
Quarter Ending										
Dec. 31, 1986	8.2	3.9	15.3	4.8	4.4	2.1	2.2	2.3	2.3	1.8
Sept. 30, 1986	7.9	3.9	16.2	5.0	4.4	2.2	2.1	2.3	2.2	1.8
June 30, 1986	8.7	3.9	15.5	5.4	4.1	2.2	2.4	2.2	2.1	1.8
March 31, 1986	8.2	3.7	14.8	5.1	4.1	2.3	2.3	2.2	2.1	1.8
Dec. 31, 1985	7.4	3.8	14.5	5.0	4.3	2.3	2.0	2.3	2.1	1.9
Sept. 30, 1985	8.2	3.8	16.0	5.1	4.3	2.5	2.4	2.3	2.2	1.9
June 30, 1985	7.2	3.8	15.5	4.9	4.4	2.5	2.2	2.2	2.1	1.7
March 31, 1985	7.0	3.9	13.5	5.1	4.2	2.3	2.2	2.3	2.2	1.7
Dec. 31, 1984	7.2	3.8	12.0	4.9	4.2	2.5	2.2	2.3	2.1	1.9
Sept. 30, 1984	6.9	4.0	14.0	5.1	4.4	2.5	2.3	2.2	2.1	2.1
June 30, 1984	6.2	3.8	15.3	4.8	4.3	2.5	2.3	2.4	2.2	2.0
March 31, 1984	5.6	3.8	13.4	4.8	4.2	2.4	2.3	2.3	2.2	2.0
Dec. 31, 1983	5.5	4.0	12.3	5.1	4.4	2.4	2.2	2.4	2.2	2.1
Sept. 30, 1983	5.5	3.9	13.9	4.9	4.2	2.4	2.4	2.4	2.2	2.0
June 30, 1981	5.3	4.0	10.7	4.9	4.4	2.4	2.2	2.3	2.1	2.0
March 31, 1981	5.1	3.9	9.9	5.0	4.3	2.4	2.4	2.4	2.2	2.1
Dec. 31, 1980	5.2	3.8	12.7	4.8	4.1	2.5	2.3	2.1	2.6	2.1
Sept. 30, 1980	4.7	3.9	8.9	5.0	4.4	2.3	2.4	2.3	2.3	1.8
June 30, 1980	5.2	4.0	7.7	4.7	4.3	2.3	2.2	2.2	2.2	2.0
March 31, 1980	5.1	3.7	6.7	4.5	4.1	2.3	2.4	2.1	2.3	1.9

* Average—(Arithmetic Mean).
** Grand theft—(Over $200 through 1982, $400 thereafter or unspecified).

CHAPTER 18

TRIAL COURT COST AND REVENUE ESTIMATES

Due to recent trial court funding legislation, 1987-88 will be the last year that trial courts are subject to the existing funding arrangement. In 1988-89 counties will have the option of entering into a block grant funding program whereby the state assumes primary responsibility for funding the costs of court operations.

This report outlines the historical relationship between the annual trial court cost estimates prepared by the Judicial Council and the development of block grant amounts to fund the trial courts. It also presents 1987-88 trial court costs and revenue estimates and describes the methodology used to develop these estimates.

Care is taken to distinguish between the 1987-88 total estimated "cost per judicial position" and the block grant amounts authorized for counties in recent state funding legislation.

Development of Trial Court Cost Estimates

Since the early 1970s, the Judicial Council and other groups have sponsored various measures to promote additional state funding of the trial courts. In order to provide current cost information, it is necessary to collect trial court cost estimates. In addition, the council's legislative office is often asked to respond concerning the estimated fiscal impact of proposed legislation on the courts, which also requires current trial court cost estimates, including the average cost of supporting each judicial position.

Block grant formulation

The council's annual cost estimates were designed so that total trial court costs are apportioned among total judicial positions for superior and municipal courts. Judicial positions include judges, referees, and commissioners and each position is accorded an equal share of total trial court costs.

As various legislative proposals were put forward to address state funding of the trial courts in the post-Proposition 13 era, they were generally based upon a block grant concept whereby counties would receive from the state an annual amount for each judicial position serving in their trial courts. Since the council's trial court cost estimates were displayed on a "cost per judicial position" basis, it was logical that they were considered when block grant amounts were established by the Legislature.

Trial Court Funding Act of 1985

In 1985, the Legislature enacted Assembly Bill No. 19 (Robinson), the Trial Court Funding Act of 1985 (ch. 1607). However, the act was operative only upon a subsequent appropriation of funds.

The measure was to provide annual block grants to counties which elected into the program in the amounts of $495,895 for a superior court judgeship; $483,052 for a superior court commissioner or referee; $489,641 for a municipal court judgeship; and $469,435 for a municipal court commissioner or referee. The block grant amounts set forth in the Trial Court Funding Act of 1985 were derived from 1984-85 trial court cost estimates prepared by the Administrative Office of the Courts (see *Judicial Council 1985 Report to the Governor and Legislature*, pp. 43-53).

Two adjustments were required in the 1984-85 cost estimate amounts before their inclusion in the 1985 Trial Court Funding Act.

First it was necessary to adjust the amount per judicial position to provide for separate amounts for judges and other judicial positions (commissioners and referees).

For superior courts a 15 percent differential between the salary of a judge and other judicial positions was built into the estimate. For municipal courts a differential of 25 percent between the salary of a judge and other judicial positions was calculated.

The second adjustment required in the 1984-85 trial court cost estimates was to reduce the cost per judicial position by the amount of the trial court programs that the state would continue to fund. The state was to continue to assume responsibility and funding for the major portion of superior court judges' salary and the annual funding of the judges' retirement benefits. This adjustment was evenly distributed among all judicial positions in the superior and municipal courts for purposes of calculating the block grant.

Below is a summary of the 1984-85 estimated "cost per judicial position" and the adjustments required to equal the block grant amounts in the 1985 legislation.

	Superior Court		***Municipal Court***	
	Judge	*Other Judicial Positions*	*Judge*	*Other Judicial Positions*
Total 1984-85 Estimated Cost Per Judicial Position	$534,302	$534,302	$526,581	$526,581
Adjustment to Allow for Differential Between Salary of Judge and Other Judicial Positions	1,637	(11,206)	3,077	(17,102)
Adjustment to Recognize Continuance of State Funding of Selected Programs	(40,044)	(40,044)	(40,044)	(40,044)
Block Grant Amounts Set Forth In Trial Court Funding Act of 1985	$495,895	$483,052	$489,614	$469,435

Senate Bill No. 709 (Stats. 1987, ch. 1211)

This measure, passed by the Legislature and signed by the Governor in September 1987, makes operative on July 1, 1988, the Trial Court Funding Act of 1985. (See chapter 6 of this publication, *State Trial Court Funding Act*, for a thorough review of the provisions of Sen. Bill No. 709.) Among other things, the bill amends certain sections of the Trial Court Funding Act, including block grant amounts, and implements state assumption of municipal court judges' salaries on the same formula as currently applied to superior court judges.

The amended block grant amounts in Senate Bill No. 709 for counties that elect into the funding program are $480,000 for a superior court judgeship; $468,000 for a superior court commissioner or referee; $474,000 for a municipal court judgeship; $455,000 for a municipal court commissioner or referee; and $474,000 for a full-time justice court judge with the amount to be prorated for less than full-time justice court judges.

The 1987 amended block grant amounts for superior and municipal court judicial positions are about $15,000 less than the 1985 legislative amounts. However, the 1987 legislation extends block grant funding to justice court judgeships. Thus, the total amount of block grant trial court funding assumed by the state is approximately the same under both the

1985 Act and the 1987 amendments. A comparison of the 1987 amended block grant amounts and the block grant amounts in the 1985 Trial Court Funding Act are set forth to the side.

	Superior Court		Municipal Court		Justice Court
Block Grant Amounts	*Judge*	*Other Judicial Positions*	*Judge*	*Other Judicial Positions*	*Judge*
Trial Court Funding Act of 1985 (based on 1984-85 estimated trial court costs)	$495,895	$483,052	$489,614	$469,435	-0-
Senate Bill 709, Ch. 1211, Stats. 1987 Operative July 1, 1988)	480,000	468,000	474,000	455,000	$474,000

1987-88 Trial Court Costs and Revenue Estimates

This portion of the report estimates California trial court costs and revenues for fiscal year 1987-88 featuring assorted financing data. It begins with a brief summary of the 1987-88 estimates and the relationship of these cost estimates to the block grant amounts authorized by recent legislation. Then the 1987-88 estimating methodology is presented, followed by the cost and revenue tables.

Summary of 1987-88 estimates

Total estimated trial court costs for 1987-88 are $983,415,000, an increase of 10.97 percent above the prior year's (1986-87) revised estimate of $886,230,000. The state's share of this amount is $108,400,000, or 11 percent of 1987-88 total trial court costs.

Apportionment of 1987-88 total trial court costs among judicial positions results in an annual cost per judicial position of $629,957 in superior court and $628,137 in municipal court. This includes the state contribution at existing levels, the last year before implementation of the Trial Court Funding Act.

Trial court revenues for 1987-88 are estimated to be $815,281,000. This is an increase of 6.8 percent per year for counties and 4.3 percent per year for cities above the actual collections reported to the State Controller for 1985-86.

Distinction between 1987-88 cost estimates and block grant amounts

It is important to distinguish between block grant amounts in the Trial Court Funding Act, as amended, and the larger estimated cost per judicial position calculated in the 1987-88 trial court cost and revenue estimates.

The reasons for the difference are:

- ☐ The 1987-88 estimated costs per judicial position include both county costs and the current state funding contribution whereas the block grant amounts in the Trial Court Funding Act are exclusive of ongoing state-funded items, such as judges' salaries and retirement contributions.

- ☐ The 1987-88 estimates are based on the latest available cost information whereas the block grant amounts in the Trial Court Funding Act, as amended, are derived from 1984-85 cost data. By the time the Trial Court Funding Act becomes operational in July 1988, a total of four years will have elapsed since the block grant amounts were originally established for purposes of the state funding bill.

- ☐ The 1987-88 estimated costs per judicial position are not adjusted for differentials in salary between judges and other judicial positions whereas the block grants include the adjustment. The result is block grant amounts that are somewhat larger for judges than for commissioners and referees in both superior and municipal courts.

- ☐ The 1987-88 trial court cost estimates prepared by staff are, in some respects, more comprehensive than block grant amounts authorized by legislation. For example, the annual court cost estimates include amounts in court budgets allocated for court appointed counsel, where public defender services cannot be used due to a possible conflict of interest. Statutory language prohibits block grant funds being used for indigent criminal defense in counties over 350,000 population except in juvenile court dependency proceedings.

1987-88 cost and revenue estimating procedures

The procedures followed in estimating trial court costs and revenues are described below. The estimating process has remained essentially the same for the past six years. Trial court cost and revenue calculations follow on attachments A-1 through A-6. Then a summary of frequently requested court financing data follows.

Definition of trial court costs

Trial court costs include costs designated in county budgets for superior, municipal and justice courts, the county clerk's office and bailiffing personnel. Some budget categories have required further determination. For example, grand juries and pretrial release programs are excluded from trial court costs. However, budget programs for court-appointed private counsel are included in trial court costs.

Countywide indirect costs attributable to court budget activities are then calculated and applied. Indirect costs include county government functions, such as a personnel or purchasing office, whose costs are attributed to the courts by local prorated estimates.

Also, included within the total cost is the state's contribution to the trial courts in the form of superior court judges' salaries and judges' retirement. Counties receive state block grants and reimbursement for specific legislative mandates such as subvention payments.

Therefore, these costs represent the total operational costs of the trial courts. The only category of costs not included are capital outlay expenditures for such purposes as site acquisition and construction of new court facilities.

The trial courts, of course, are only one part of justice system costs at the county level. Other activities that interact with the courts, but are not included in this definition of court costs, are public defender, district attorney and probation services.

Eight-county cost survey

Local trial court cost estimates are based on a survey of current court costs in eight counties. The results are extrapolated into statewide totals. The counties surveyed were: Alameda, Fresno, Los Angeles, Orange, Sacramento, San Mateo, Santa Clara, and Ventura. Current budgets (1986-87) from those counties were obtained and carefully reviewed along with supplemental data supplied by county budget, personnel and auditor offices.

The superior courts in the eight survey counties have 495 authorized judicial positions comprising 60 percent of the total superior court judicial positions in the state for 1986-87. Local 1986-87 costs in these eight counties for superior courts, including county clerks, bailiffs and indirect costs, totaled $244.2 million. When this amount is extrapolated statewide and added to state assistance, the result is 2.99 percent below the 1986-87 estimate published last year. The effect of the 2.99 percent decrease on last year's 1986-87 superior court estimates are set forth on attachment A-2 entitled *Revised* 1986-87 Trial Court Cost Estimates.

There were 41 municipal courts in the eight counties with 418 authorized judicial positions comprising 61.7 percent of the total judicial positions in all municipal courts. The sum total of local 1986-87 municipal court expenditure estimates in these eight counties totaled $232.5 million. When this amount is extrapolated statewide and added to state assistance, the result is 3.74 percent below last year's 1986-87 cost projection. The effect of the 3.74 percent decrease on last year's 1986-87 municipal court estimates are set forth on attachment A-2 entitled *Revised* 1986-87 Trial Court Cost Estimates.

1987-88 cost adjustment

The 1987-88 estimated trial court costs are presented on attachment A-1. Total 1987-88 trial court costs are 10.97 percent above the revised 1986-87 estimates on attachment A-2. The county share of trial court costs is 11.73 percent above the 1986-87 revised estimates. The 11.73 percent adjustment represents the average annual increase of trial court expenditures in the eight survey counties over a 10-year period, 1976-77 through 1985-86, as reported in the State Controller's *Report of Financial Transactions*. The state share of estimated trial court costs is from the 1987-88 *Governor's Budget* and can be examined in more detail on attachment A-5.

Cost per judicial position

Trial court cost data is arranged so that total trial court costs are apportioned among total judicial positions for municipal and superior courts (see attachments A-1 through A-4). "Total judicial positions" includes judges, referees, and commissioners. Therefore, each judicial position represents an equal share of total trial court costs.

The "cost per judicial position" includes not only the salary and benefits for the judicial position itself, but also a proportionate share of all costs of nonjudicial positions, services and supplies and countywide indirect costs attributable to the courts. Finally, the cost of a bailiff and a court reporter position are added to the above to provide the total costs assignable to each judicial position.

The division of trial court costs into annual costs per judicial position allows for a further breakdown into costs per judicial case-related minute, hour and day as illustrated in attachment A-3 and A-4. This is possible because of data accumulated by the Judicial Council weighted caseload studies, such as the minutes per year and days per year that are available for case-related work for the average judicial position. This type of detail is very useful when estimating the additional court costs that may be required by a legislative proposal, which would add minutes or hours of time to a judicial proceeding or impose a new judicial duty.

Justice court costs are not presented in the same detail as superior and municipal courts because they account for only a small portion of the workload of the trial courts. Also, nearly all justice court judges are part-time and a cost per judicial position would not be applicable. Therefore, justice court costs are presented as a lump sum amount, approximately equivalent to their share of the lower courts' workload.

State judicial budget

Attachment A-5 is a summary of the various program categories that comprise the state judicial budget as included in the *Governor's Annual Budget*. Those categories are grouped into state operations and local assistance.

"State judicial operations" include

Supreme Court, Courts of Appeal, Judicial Council and Commission on Judicial Performance.

"Local assistance" comprises the state's contribution to trial court costs. This includes the major portion of superior court judges' salaries, annual block grants for superior court judgeships created after January 1, 1973, contributions to the judges' retirement fund and funding for specific programs mandated on the trial courts by the state.

The "local assistance" amounts are included within the total estimated trial court costs for 1987-88 as presented on attachment A-1.

Trial court revenues

Attachment A-6 contains 1987-88 estimates of trial court revenues. The estimates are based on 1985-86 actual amounts. The 1985-86 "actuals" are from two sources. The revenue to counties and cities is from the State Controller's *Annual Report of Financial Transactions*. Revenues to the state are from the *Governor's Budget* as reported in various penalty assessment funds and the Judges' Retirement Fund. A minor amount in fines is received by the state as miscellaneous revenue and an estimate is included for this item.

In the past, court revenues to counties and cities have been projected based on the average annual increase of actual trial court revenues for the 10 preceding years, excluding specific years of abnormally high rates of increase. However, revenue amounts reported in the last two issues of the State Controller's *Annual Report of Financial Transactions* have demonstrated a lower growth rate than the 10-year average computation would suggest. Therefore, while awaiting more experience with current trends, projections for 1986-87 and 1987-88 are based on the average rate of increase in court revenues realized in the two preceding years, i.e., 1984-85 and 1985-86. The resultant average annual increase projected for counties is 6.8 percent and for cities the average annual projected increase is 4.3 percent.

The revenue amounts distributed to the state for 1987-88 are from the Governor's Budget with the miscellaneous revenue from court fines estimated independently.

Court financing summary

The Court Financing Summary includes total California court costs, including state judicial operations, state assistance to trial courts, and local trial court costs. Also presented are calculations of court costs as a percent of budget expenditures for various levels of government.

Other portions summarize trial court costs by level of court and the degree of state and local funding for each level of court; trial court costs apportioned to each judgeship in superior and municipal courts and the state and county shares for each additional position; and trial court revenues by type and amounts distributed to counties, cities and state.

ATTACHMENT A-1

Summary of Total Estimated Trial Court Costs[a] 1987-88

	Estimated Average Annual Cost Per Judicial Position	*Judicial Positions*	*Estimated Total Trial Court Costs*
Superior Courts			
Judicial Position ($81,505 + 29.4%)	$105,467		
Nonjudical Personnel	195,581		
Services and Supplies	191,785		
Subtotal	$492,833		
Indirect Costs (9.9%)	48,790		
Total Costs Excluding Court Reporter and Bailiff	$541,623		
Total Costs Including Court Reporter and Bailiff	$629,957	831 jud. pos. (725 judges)	$523,495,000
Municipal Courts			
Judicial Position ($74,432 + 29.8%)	$96,613		
Nonjudicial Personnel	238,221		
Services and Supplies	162,150		
Subtotal	$496,984		
Indirect Costs (13.9%)	69,081		
Total Costs Excluding Court Reporter and Bailiff	$566,065		
Total Costs Including Court Reporter and Bailiff	$628,137	687 jud. pos. (567 judges)	$431,530,000
Justice Courts		79 pt jud. pos.	$28,390,000
Total All Trial Courts			$983,415,000[b]

[a] 1987-88 total trial court costs are 10.97% above the revised 1986-87 total on attachment A-2. County costs were adjusted 11.73% for 1987-88. Sate costs are based on the 1987-88 Governor's Budget and subsequent legislative action. Judges salaries are included at the July 1, 1986 level.

[b] Included in this amount is the state's contribution to the trial courts of $108.4 million. See attachment A-5 of this appendix for the detail of the state's share of costs.

ATTACHMENT A-2

Summary of Total Estimated Trial Court Costs[a] Revised 1986-87

	Estimated Average Annual Cost Per Judicial Position	*Judicial Positions*	*Estimated Total Trial Court Costs*
Superior Courts			
Judicial Position ($81,505+22.8%)	$100,088		
Nonjudicial Personnel	172,158		
Services and Supplies	168,843		
Subtotal	$441,089		
Indirect Costs (9.9%)	43,668		
Total Costs Excluding Court Reporter and Bailiff	$484,757		
Total Costs Including Court Reporter and Bailiff	$573,091	825 jud. pos. (725 judges)	$472,800,000
Municipal Courts			
Judicial Position ($74,432+22.5%)	$ 91,179		
Nonjudicial Personnel	210,905		
Services and Supplies	143,553		
Subtotal	$445,637		
Indirect Costs (13.9%)	61,943		
Total Costs Excluding Court Reporter and Bailiff	$507,580		
Total Costs Including Court Reporter and Bailiff	$569,652	677 jud. pos. (564 judges)	$385,655,000
Justice Courts		83 pt jud. pos.	$ 27,775,000
Total All Trial Courts			$886,230,000[b]

[a] Revised 1986-87 total trial court cost estimates were reduced 3.33% based on final 1986-87 county budgets and other updated supplemental state and county data. Superior courts were reduced 2.99% and municipal courts were reduced 3.74%.

[b] Included in this amount is the state's contribution to the trial courts.

ATTACHMENT A-3

Superior Courts, Total Estimated Costs Per Judicial Position 1987-88

Cost Category	*Estimated Average Annual Cost Per Judicial Position*	*Average Cost Per Case-Related Minute*[a]	*Average Cost Per Case-Related Hour*[a]	*Average Cost Per Case-Related Day*[a]
Judicial Position (7-1-86 $81,505+29.4%)	$105,467	$ 1.4000	$ 84.00	$ 482
Nonjudicial Personnel	$195,581	$ 2.5961	$155.77	$ 892
Services & Supplies	$191,785	$ 2.5457	$152.74	$ 876
Subtotal	$492,833	$ 6.5418	$392.51	$2250
Indirect Costs (9.9%)	$ 48,790	$ 0.6476	$ 38.86	$ 223
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff excluded)	$541,623	$ 7.1894	$431.37	$2473
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff included)	$629,957	$ 8.3620	$501.72	$2877

[a]An estimated 219 days per year or 75,336 minutes per year is available for case-related activity for each judicial position in the superior courts.

ATTACHMENT A-4

Municipal Courts, Total Estimated Costs Per Judicial Position 1987-88

Cost Category	*Estimated Average Annual Cost Per Judicial Position*	*Average Cost Per Case-Related Minute*[a]	*Average Cost Per Case-Related Hour*[a]	*Average Cost Per Case-Related Day*[a]
Judicial Position (7-1-86 $74,432+29.8%)	$ 96,613	$ 1.2951	$ 77.71	$ 447
Nonjudicial Personnel	$238,221	$ 3.1933	$191.59	$1103
Services & Supplies	$162,150	$ 2.1736	$130.42	$ 751
Subtotal	$496,984	$ 6.6620	$399.72	$2301
Indirect Costs (13.9%)	$69,081	$0.9260	$55.56	$320
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff excluded)	$566,065	$ 7.5880	$455.28	$2621
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff included)	$628,137	$ 8.4201	$505.21	$2908

[a]An estimated 216 days per year or 74,600 minutes per year (78,000 Los Angeles) is available for case-related activity for each judicial position in the municipal courts.

ATTACHMENT A-5 — *Proposed State Judicial Budget 1987-88 (Million $)*

Supreme Court	$11.4	
Courts of Appeal	59.3	
Judicial Council	15.9	
Commission on Judicial Performance	0.9	
Judges Retirement Fund (Appellate Courts)	1.9	
Total State Judicial Operations		$89.4
State Mandates - Local Assistance	$16.9	
Superior Court Judges Salary	54.1	
Superior Court Block Grants	13.6	
Judges Retirement Fund		
Superior Courts, estimated $13.9		
Municipal Courts, estimated 9.9	23.8	
Total Local Assistance		$108.4[a]
Total 1987-88 State Judicial Budget		$197.8 million

[a]These items, totaling $108.4 million, are the state's contribution to the funding of the trial courts. This amount is included within the total estimated trial court costs for 1987-88 as displayed on attachment A-1 of this appendix.

ATTACHMENT A-6

Trial Court Revenues
Actual: 1985-86
*Estimated: 1987-88**

	1985-86 Actual	*1987-88 Estimated*
TO COUNTIES[a]		
Fines, Forfeitures, Penalties		
Vehicle Code Fines	$126,637,024	$144,445,229[c]
Other Court Fines	77,371,918	88,252,267
Forfeitures and Penalties	52,351,645	59,713,543
Charges for Current Services		
Civil Process Services	15,835,640	18,062,511
Court Fees and Costs	128,022,784	146,025,860
TOTAL	$400,219,011	$456,499,410
TO CITIES[a]		
Fines and Penalties		
Vehicle Code Fines	$125,361,554	$136,374,441[d]
Other Fines, Forfeitures & Penalties	68,349,520	74,353,957
TOTAL	$193,711,074	$210,728,398
TO STATE OF CALIFORNIA[b]		
Assessments on Fines	$124,600,000	$140,796,000[e]
Court Fees (Judges Retirement Fund)[c]	3,720,000	4,257,000
Court Fines (estimates of state share of specified violations of Bus. & Prof. Code and Health & Safety Code	3,000,000	3,000,000
TOTAL	$131,320,000	$148,053,000
SUMMARY		
To Counties	$400,219,011	$456,499,410
To Cities	193,711,074	210,728,398
To State	131,320,000	148,053,000
TOTAL	$725,250,085	$815,280,808

* Revenue to **counties** has been adjusted 6.8% per year for 1986-87 and 1987-88. That is based on the average annual increase of trial court revenues to the counties for the two preceeding years. Revenue to **cities** has been adjusted 4.3% per year for 1986-87 and 1987-88 based on the average annual increase of trial court revenues to cities for the two preceeding years. Revenue to the state is from the 1987-88 Governor's Budget except for court fines which have been estimated independently.

[a] Source: State Controller's Reports—Financial Transactions Concerning Counties and Cities. (Adjustment made to reflect San Francisco County under "Counties" instead of "Cities.")

[b] Governor's Budget and Judicial Council estimates.

[c] 50% Vehicle Code fines restricted as to use per Vehicle Code §42201.

[d] All Vehicle Code fines restricted as to use per Vehicle Code §42200.

[e] Fine assessments are designated by statute for specific purposes. The 1987-88 distribution and amounts are as follows:

Peace Officers Training Fund	$ 39,071,000
Driver Training Penalty Assessment Fund	41,859,000
Fish and Game Preservation Fund	535,000
Indemnity (Restitution) Fund	31,561,000
Corrections & Probation Training Fund	12,840,000
Local Public Prosecutors and Public Defender Training Fund	850,000
Victim Witness Assistance Fund	14,080,000
	$140,796,000

COURT FINANCING SUMMARY 1987-88

Total Court Costs by Funding Source (State and Local)

State Judicial Operations[a]	$ 89.4 million	8.3%
State Assistance to Trial Courts[b]	108.4	10.1
Total State Costs	$ 197.8 million	18.4%
County Costs (Trial Courts)	875.0	81.6
Total Court Costs (est.)	$1,072.8 million	100.0%

Total Court Costs as Percent of Total Budget Expenditures

State's Share of Total Court Costs as Percent of Total State General Budget[c]	0.5%
Total Court Costs as Percent of Total State General Budget[d]	2.8%
Total Court Costs as Percent of Total Estimated State and Local Budget Expenditures[e]	1.5%

Trial Court Costs by Level of Court

Superior Courts	$523.5 million	53.2%
Municipal Courts	431.5	43.9
Justice Courts	28.4	2.9
Total Trial Court Costs (est.)	$983.4 million	100.0%

Trial Court Costs by Funding Source (State and Local)

Superior Courts		
County Costs	$426.7 million	81.5%
State Assistance[f]	96.8	18.5
Total Superior Court Costs (est.)	$523.5 million	100.0%
Municipal Courts		
County Costs	$419.9 million	97.3%
State Assistance[g]	11.6	2.7
Total Municipal Court Costs (est.)	$431.5 million	100.0%

Justice Courts		
County Costs	$ 28.4 million	100.0%
State Assistance		
Total Justice Court Costs (est.)	$ 28.4 million	100.0%
Total All Trial Courts		
County Costs	$875.0 million	89.0%
State Assistance	108.4	11.0%
Total Trial Court Costs (est.)	$983.4 million	100.0%

Costs Per Additional Superior Court Judgeship

County Costs	$456,825
State Assistance[b]	173,132
Cost Per Judgeship (est.)	$629,957

Costs Per Additional Municipal Court Judgeship

County Costs	$608,342
State Assistance[c]	19,795
Cost Per Judgeship (est.)	$628,137

Trial Court Revenue By Type

Fines, Forfeitures and Penalties	$506.1 million
Assessments on Fines	140.8
Civil Filing Fees and Costs	150.3
Civil Process Services	18.1
Total Revenue (est.)	$815.3 million

Distribution of Trial Court Revenue

To Counties	$456.5 million
To Cities	210.7
To State	148.1
Total Revenue (est.)	$815.3 million

[a] State judicial operations includes the Supreme Court, Courts of Appeal, Judicial Council, and Commission on Judicial Performance.

[b] State assistance to the trial courts includes contributions to the Judges' Retirement Fund, a major portion of superior court judges' salaries, a $60,000 annual block grant towards the support cost for judgeships created since January 1973, and reimbursements for legislative mandates.

[c] States' share of total court costs is $197.8 mill. State general budget is $37.9 bill. Thus, $197.9 mill./$37.9 bill. = 0.5%

[d] Total court expenditures are $1.0004 bill. State general budget is $37.9 bill. Thus $1.0728 bill./$37.9 bill. = 2.8%

[e] The Controller's Office reports the following local government expenditures:

1985-86 county expenditures exclusive of enterprise and bond funds	$15.683 billion
1985-86 city expenditures exclusive of enterprise and bond funds	10.260
1985-86 special district expenditures non-enterprise activities only	2.756
1985-86 school district expenditures	18.385
Total local expenditures	$47.084 billion
Application of 13.27% per year average increase for 86-87 and 87-88	$60.410 billion
Add state budget less local assistance	11.470
Total state and local exp.	$71.880 billion
Thus, $1.0728 billion/$71.880 billion =	1.5%

[f] State assistance to superior courts includes:

(1) Contribution to judges' salary	$54.1 million
(2) Block grants ($60,000)	13.6
(3) Judges' Retirement Fund (8% of salary plus additional appropriation to meet liabilities)	13.9
(4) Legislative Mandates	15.2
	$96.8 million

[g] State assistance to municipal courts is largely limited to the Judges' Retirement Fund contribution of 8% of salary plus an additional appropriation to meet liabilities of the fund. Total contribution for this purpose is $9.9 million for 1987-88. An additional $1.7 million is provided to reimburse counties for legislative mandates. Total assistance is $11.6 million.

[h] The calculation of state assistance for each *new* superior court *judgeship* is as follows:

(1) 8% of salary to Judges' Retirement Fund ($81,505 @ 8% = $6,520) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the fund ($12,498) plus 4.65% of salary for health and welfare ($3,790) for a total of $22,808.

(2) State pays salary except for fixed county share of $9,500 for counties over 250,000 population, $7,500 for counties between 40,001 - 249,999 population, and $5,500 for counties 40,000 population or under. The calculation here is based on the larger sized county. Thus, the current annual salary of $81,505 less $9,500=$72,005 as the state share.

(3) Annual block grant of $60,000 for support costs.

(4) Pro rata share of legislative mandates @ $18,319.

In summary, total assistance per *new* superior court *judgeship* as calculated here includes $22,808 retirement and health, plus $72,005 salary, plus $60,000 annual block grant, plus $18,319 legislative mandates for a total of $173,132 per judgeship.

[i] The calculation of state assistance for each *new* municipal court *judgeship* consists of contributions to the Judges' Retirement Fund of 8% of salary ($74,432 @ 8% = $5,955) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the Fund ($11,411) for a total of $17,366 per judgeship for retirement. An additional $2,429 per judicial position is provided to reimburse counties for legislative mandates. Thus, the calculation for total state assistance per new judgeship is $19,795 ($17,366 + $2429).